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Report on Public Consultation



A National Approach to Endangered Species Conservation in Canada



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Report on Public Consultation:
A National Approach to Endangered
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Report on Public Consultation:

A National Approach to Endangered Species Conservation in Canada.

A National Approach to Endangered Species Conservation in Canada, a discussion document, was released to the public April 11, 1995, and from May 1 to May 30, 1995, with the assistance of provinces and territories, 14 public consultation workshops were held in cities across Canada to discuss the proposals described in the document.

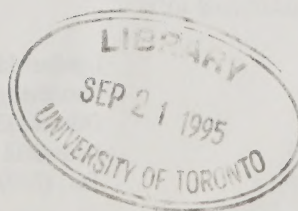
This report summarizes the input received and is divided into four parts.

Part One of this report is an overview, prepared by Environment Canada, of the public consultation on endangered species conservation.

Part Two presents a summary of each of the 14 workshops compiled, in most cases, by an independent facilitator who had been hired for this purpose.

Part Three summarizes briefs or other written comments submitted by persons attending the workshops and also by groups and individuals who were unable to attend a workshop. Complete copies of any brief or other written comments listed in this report are available on request.

Part Four is a summary of comments made by individuals who responded to questions in part four of the discussion document, A National Approach to Endangered Species Conservation in Canada.



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Report on Public Consultation:
A National Approach to Endangered Species Conservation in Canada.

Part One: Overview of Public Consultation on Endangered Species Conservation in Canada.

In November 1994, the Deputy Prime Minister and Minister of the Environment, Sheila Copps, released a discussion paper on Endangered Species Legislation in Canada, which invited public comment on an approach for potential federal legislation.

In the following months, organizations and individuals across Canada offered comments on the discussion paper. During the same period, officials of the provincial, territorial and federal governments reached agreement-in-principle on the basic elements of a national approach to conservation of endangered species in all jurisdictions in Canada.

A National Approach to Endangered Species Conservation in Canada, a discussion document, was released to the public April 11, 1995. With the assistance of provinces and territories, public consultation workshops were held in 14 cities across Canada during May 1995, to discuss the proposals described in the document.

Minister Copps established the endangered species conservation task force to monitor and analyze input from participants in the public consultations and to make recommendations concerning the federal component of a national framework for endangered species conservation in Canada.

The following overview, drawn from notes and facilitator's reports of the workshops, was prepared by Environment Canada. It does not necessarily represent the views of the provinces and territories who participated in the public consultation.

Main themes of public consultation

1. Can we count on government to act?
2. Where are the resources coming from?
3. A need for strong legislation.
4. Do we need stand-alone legislation?
5. Public Education is essential.
6. Species listing must be scientific and independent.
7. Deal with species before they are endangered.
8. Rights of private landowners must be respected.
9. Incentives and Recognition of voluntary efforts
10. The process is going too fast or too slow

1. Can we count on government to act?

"The document is too discretionary. This proposed national approach gives no assurance that any government will do anything to protect endangered species," was a comment heard many times during the consultation workshops and in written comments. There was scepticism that any level of government had the will to do what is necessary to ensure protection of endangered species. A person at Winnipeg said, "If provinces are able to opt out of effective action to protect species, the process will be reduced to the lowest common denominator."

2. Where are the resources coming from?

"Availability of resources (financial and human) is key to achieving objectives," a comment made at Toronto, was repeated in many other centres. At St. John's, a person said, "To not adequately resource the process is an abrogation of responsibility." Others were concerned that governments did not have the means to carry out conservation programs. "We cannot save everything," said one speaker at Edmonton. "Where will the money come from? The public is not willing to pay more taxes."

3. A need for strong legislation

"We need legislation that has teeth in it," was said at the very first workshop in Halifax, and repeated elsewhere. "Strong legislation is required if the federal government is to press the provinces and the territories to act," was a view expressed at Edmonton. In the Yukon, a participant insisted, "Discretionary powers are inadequate. Mandatory action is essential."

4. Do we need new, strong legislation?

Coupled with support for strong legislation was a feeling in some places that existing legislation could be used to protect species. "How can other programs be used to accomplish the same objective without the need for legislation?", asked a Regina participant. It was suggested that environmental assessment could be used to protect species and habitat. Many persons felt federal legislation should not intrude into provincial jurisdiction.

5. Public Education is essential

Creating an informed public and encouraging co-operation between landowners, government and other interested parties was one of the most frequent measures proposed for species protection. "Legislation can make it more difficult to harm species and their habitat; but public education to the importance of wildlife and what each of us can do to encourage wildlife is extremely important," said a person at St. John's.

6. Species listing must be scientific and independent

An independent, qualified scientific committee to assess the status of species and list those at risk was supported at all workshops. Many intervenors felt that sub-species and populations of species should be included. The Montreal workshop felt there should be only two categories, "Endangered" and "Vulnerable". Some groups felt there should be only one, national, list of species at risk, and one listing committee. It was suggested the public should be able to nominate species for review.

7. Deal with species before they are endangered

"If we are serious about prevention, we need an early warning system. We should not be dropping the vulnerable category," was a comment heard many times. "We need to manage ecosystems, not just habitat," was a point made at Toronto. In Winnipeg, someone felt amateurs could play a role in the collection of data.

8. Rights of private landowners must be respected


There was concern in many centres about enforcement of regulations on private lands. Compensation for landowners or leaseholders affected by endangered species restrictions was suggested at several workshops. An appeal process for affected private landowners was suggested at Regina and Prince Albert. Some speakers felt species should be protected wherever they are found, including on private lands.

9. Incentives and Recognition of voluntary efforts

"Incentives may encourage landowners to conserve habitat", was a comment made at Toronto and at most other discussions of the proposed national approach. "We need an approach that reflects the thinking and imagination of the public," said a person in Regina. Another asked, "What recognition do landowners get for protecting habitat or species?" There was a strong message that legislation should not deter good stewardship; but involve landowners in a joint program.

10. The process is going too fast or too slow

There were many comments about the pace of the process. "Don't rush. Allow time for 'buy-in' and maybe legislation will not be required," was a comment made at Regina. Some persons felt that consultation on a national approach was going too fast; others felt it was too slow. "We've been waiting for this kind of legislation for years," said a person at Ottawa.



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Report on Public Consultation:

A National Approach to Endangered Species Conservation in Canada.

Part Two: Reports on Public Consultation Workshops.

A National Approach to Endangered Species Conservation in Canada, a discussion document, was released to the public April 11, 1995, and from May 1 to May 30, 1995, with the assistance of provinces and territories, 14 public consultation workshops were held in cities across Canada to discuss the proposals described in the document.

This report summarizes the input received and is divided into four parts.

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Report on Public Consultation:

A National Approach to Endangered Species Conservation in Canada.

Public Consultation Workshops:

Date

City

May 1	Halifax, Nova Scotia
May 3	Charlottetown, P.E.I.
May 4	St. John's, Newfoundland
May 8	Fredericton, New Brunswick
May 9	Yellowknife, N. W. T.
May 13	Vancouver, B. C.
May 17	Montréal, Québec
May 18	Winnipeg, Manitoba
May 19	Toronto, Ontario
May 24	Ottawa, Ontario
May 24	Regina, Saskatchewan
May 24	Whitehorse, Yukon
May 25	Prince Albert, Saskatchewan
May 30	Edmonton, Alberta

Endangered Species Public Consultation Workshop

Halifax, Nova Scotia, May 1, 1995

Report by Anne Camozzi, EcoLogic & Associates

Background

EcoLogic & Associates was asked by Environment Canada to provide facilitation services for two consultations held in Halifax, Nova Scotia, and Charlottetown, Prince Edward Island.

Organization of the Meetings

At Halifax, one member of the public said to me how much he appreciated the opportunity to express his views. However, he wanted to express his discouragement and disappointment at the lack of information provided him before the meetings so that he could review it adequately and the lack of notice that he was given about the meeting so that he could plan to attend. He indicated there were many others who would have liked to have been at the workshop, had they been given the proper notice.

Meeting Results

There were a lot of complaints about the organization of the Halifax meeting and this was reflected in the evaluation forms from that meeting. 86 per cent of the people who filled out evaluation forms in Halifax (15 people) said the advance notice and preparation of the meeting was either "not at all adequate" (40%) or only a little bit (46%).

Despite the fact that they were unhappy about this aspect of the meeting 59 per cent said the meeting was "Very Good" or "Excellent" overall. 27% said the meetings were "Good"; 13% said they were "Fair". Over 50% felt that their concerns were well addressed and that they had accomplished what they had come to do. 72% felt their questions had been answered quite well and 86% said they had a fair opportunity to express their views although quite a number indicated that they wanted more time. The same number felt they had a fair opportunity to hear others.

Participants felt that the consultations would have been more effective if there was more time such as an all-day session and if the advance preparation had been better as previously discussed. One participant said that the government "should have indicated its objectives more clearly and indicated how "tough" they really think the legislation will actually be". Another person felt that once legislation is drafted it should be brought forward for public consultation again.

Several themes ran through the Halifax consultation:

Education was spoken of as a need by a number of people in both sessions. This included education of the public about resource issues, endangered species, and how to manage the land. This need for education was, at times, reflected in the participation of some of the participants who showed some of their own lack of knowledge about environmental issues (as an example, the reference to industry being primarily responsible for clear-cutting in Nova Scotia and lack of knowledge about the amount of land that was privately owned and managed). In order to solve environmental resource management problems that are before us, there will be a need to accept that people come from differing value systems and not attack other sectors based on their own version of information which may or may not be correct.

Legislation vs. Cooperation - There was a lot of emphasis on the need for tighter legislation, more teeth, more legislative power and penalties. At the same time the people talked about this, they talked about involving and not intimidating the landowner, working cooperatively, and working in a consultative fashion. Generally speaking consultation, cooperation, and capacity-building is in direct contradiction to the kinds of issues and actions that develop out of a legislated environment. This contradiction at some points was another indication for the need for education, however in some individuals it reflected two real differing world views about how to handle resource management issues. One participant commented that there was a need for tighter legislation and education at the same time. He used the example of seats belts and said that first people were educated about seat belts and then legislation came and that a combination of these two things is often important.

Provincial Cooperation - A number of people were concerned about the one-year that the provinces will have to take action on endangered species that have been listed. There was much talk about the lack of teeth in the document to ensure that provinces will be on-side.

Land Tenure - There was considerable concern in Nova Scotia about the percentage of land owned privately and how the proposed legislation would deal with this aspect.

Global Issues - One participant brought up the issue of the global status of endangered species and felt that Canada should be doing much more in a global sense.

Personal Comments and Recommendations

Improvement in the Consultation Process - If I had have been a participant in these public hearings, and not a facilitator, I would have said that it is time the government learned that they can not rush through important legislation of this kind and that the consultation processes that are undertaken must be much more thorough. The people of this country have good ideas and understanding about how to manage environmental management issues as do many people who work for the government. It has been my observation that those in the public and those in the government, possess different kinds of skills and sets of knowledge. If these skills and knowledge sets were combined to make management decisions, I think we would be making better management decisions and would spend money more effectively. This is the kind of thing that people want and expect from government.

Endangered Species Public Consultation

Charlottetown, P. E. I., May 3, 1995

Report by Anne Camozzi, EcoLogic & Associates

At the Charlottetown meeting, most people had studied the document somewhat and were prepared to make comments. Despite some comments prior to the meeting that the consultation might not be worthwhile and that some participants had to leave early, most people stayed and participated actively. Those who did fill out evaluation forms gave the meeting a high rating.

Some of the issues outlined in Prince Edward Island included:

1. **Need for legislation** - There were several differences of opinion on whether or not legislation was the "right" approach for the endangered species issues. Provincial officials said that they would support the establishment of a federal act but do not feel a strong need for it.
2. **Absence of sub-species from the list** - There was some concern that leaving off sub-species, varieties and populations from a national list would be a problem and should not happen.
3. **Need for dollars attached to program** - There was considerable concern on the Island about the need for dollars to be assigned to this program. People felt that recovery efforts would be hindered without specific monies. Many people expressed concern that provincial officials were already very overloaded and that they would be asked to implement the new strategy without increased workforces or budgets. Most scientist involved are the same people who are already being stretched beyond their limits. The cutbacks to national museum in terms of its impact on classification and inventory of species was used as an example of how fiscal restraint would impact on the program.
4. **Use of Volunteers** - There should be much more explicit acknowledgement of the role of volunteers in this process and in the development and implementation of recovery plans. There was some discussion about the need to find new ways to do things, and to do things smarter. For example, the way we use and train volunteers, (eg. the Guardian program) could be developed to fit the Endangered Species Strategy.

5. **Pre-emptive Action** - There is a need to make sure the legislation is more oriented toward pre-emptive actions rather than waiting to take action when we have a crisis. There was a feeling that legislation should not be dealing with species when they are already in big trouble but how to prevent the species from getting into trouble in the first place.

Personal Comments and Recommendations

Incentives and Educations - Although I am not sure, myself, what exactly is the right approach with regards to endangered species, my own bias as an educator is to say that, generally speaking, we do know that people will change their behaviour and the behaviour will be more long-lasting if they understand why they are changing their behaviour and believe in its importance. I do think that the participants who raised the issue of providing incentives were hitting the "nail on the head" and that both education and incentives are needed with regards to environmental resource issues. In a time when there are dwindling resources, both in the public and private purse, we ought to be looking at more creative and imaginative ways of providing these incentives.

Improvement in Inter-Government and Departmental Co-operation It was also evident to me that there must be much more cooperation between the different levels of government (federal, provincial and municipal). Many people have written about the importance of inter-governmental cooperation as a major step towards achieving better environmental management. Cooperation, exchange, and sharing should also continue through different levels of the same government department. Government at all levels must become better at information management as well as cooperative consultation and appear to be working together rather than presenting two different views and faces on the same idea.

Need for Government Training - Government officials could benefit from training in the following areas:

- a. How to plan and design public consultations including an understanding of what options are available for consultations; How to differentiate between consultations and consensus decisions and how to conduct both.
- b. How to conduct an effective consultation including facilitation skills, group dynamics and logistical arrangement.
- c. How to develop and maintain effective communication and presentation skills.

Endangered Species Public Consultation

St. John's, Newfoundland, May 4, 1995

Report by Trevor Swerdfager, Canadian Wildlife Service

Jim Hancock, Newfoundland Department of Natural Resources, gave an overview of provincial programs and priorities, emphasizing the scope of current programming, highlighting need for public support for programming. He said the province is supportive of the process of developing a national approach.

Joe Brazil described endangered species from a biological perspective, and traced the history of resource exploitation in the province and the endangerment of species. He noted that provincial programming and budget devoted to endangered species has grown considerably in recent years and he emphasized inter-provincial cooperation. We have seen a continuing evolution in the process and the development of this legislation seems like a natural point in this process.

Afternoon session: Comments/Issues

1. We need to ensure that we do not just focus on large, easily accessible species but rather must include study and concern for insects, smaller organisms. Need to ensure that we do not create an act which absolutely prohibits killing, because for many invertebrate studies for example, killing the specimen is necessary.
2. Strongly support principle of what is proposed here.
3. Support for idea that we should not allow scientific uncertainty to stand in the way of action. The document does not adequately address the need for greater effort to collect the baseline data and conduct science activities necessary to build our scientific confidence, particularly need to devote attention to invertebrate inventories.
4. The Act needs to address vertebrates and invertebrates, but need to ensure that Act includes flexibility to deal with them differently. A regime for bugs may well need to be different from one for ungulates. The proposed approach does not deal with invertebrates adequately.
5. Need to have sub-species and populations addressed in the national listing and assessment process. Sub-species should be able to be listed nationally.
6. Need to address endangered ecosystems as opposed to species as many species of invertebrates cannot even be seen and certainly cannot be "conserved" or "recovered". Focus must be on ecosystems where these invertebrates are found.

7. Do not want to have new unnecessary permits put into place re: moving specimens between jurisdictions. Should address the non-commercial use or possession of endangered species and should allow transport for scientific purposes.
8. Act should apply to all people regardless of ethnic origin. It must apply to aboriginal people just as to others.
9. Need to have more specific attention devoted to how the government will support the act financially. In particular, how would it fund or operate enforcement? It cannot just be left to provinces if it is to be nationally consistent.
10. The criterion re: loss of 50 per cent of the species or five generations of species seems far too loose. In many cases it will be far too late to begin recovery if this criterion is met. Could we look at some figure related to natural mortality rate?
11. Concern re process in the lack of involvement of other departments beyond those responsible for wildlife. Need to make sure links are made with OGD's. On the federal side, it is especially important that links be made with Fisheries.
12. Consultation process specific to the federal legislation, once it is in the House and moving through the process will be extremely important. The Canadian Environmental Network could be quite helpful in this exercise.
13. Federal government must not be seen as abrogating its responsibilities. Need to pay particular attention to enforcement - provinces do not have resources and capacity to do the job at present. To not adequately resource the process is a de facto abrogation of responsibility.
14. In addition to an Environment Canada secretariat, we should have some sort of public registry so that information is made public. Should consider idea of a public report card.
15. We need to re-phrase the "minimum elements" clause. The document does not make clear that the idea is for every jurisdiction to have this minimum toolkit.
16. Twelve months is too long for species about which we have a lot of information and don't have to wait to develop a plan.
17. Need to make sure that we give consideration to more creative and non-traditional conservation approaches like incentive programs.
18. Need stronger reference to fish and to international stocks. Why have no species of fish been designated?

19. Emphasis must be placed on prevention.
20. Body Shop sees Endangered Species conservation as absolutely critical for their business.
21. We are forgetting about education in this process. It is very important to prevention and to creating an informed public. This is primarily a provincial responsibility but the federal government must play a role in this sort of education as well.
22. Pleasure expressed that something is finally going to happen. It has taken a long time and we must really be sure to do it right. We are investing a lot of time and energy in this process and must make sure that we make it better. It must be seen as a very valuable tool for all people involved in conservation.
23. National approach seems to contemplate too much provincial power. There is a need for greater federal commitment and a more staunch national role and say that certain national standards of response absolutely will be met.
24. Very concerned about leaving out regional populations or sub-species. For example, Newfoundland Pine Marten or Beluga would suddenly be left off.
25. We should not be dropping the Vulnerable category. If we are serious about prevention, we need to have a category devoted to the early warning system. This could involve the de-listing of 50-75 % of currently COSEWIC lists.
26. Resources are crucial. Who is going to pay for all of this?
27. Is sustainable development realistic? We should not embed an axiom that we do not believe is achievable. If we believe that sustainable development is reasonable, we should define what it is we have in mind.
28. It is a good thing that we are not scrapping COSEWIC. However, there is already an overwhelming amount of paper generated through the process, is it feasible to have status reports, recovery plans for each and every species. Need to have a more efficient and coordinated approach.
29. Question of private land is particularly important in other provinces where there is a lot of non-Crown land.
30. Need more links between sectors, agriculture and wildlife for example. What about looking at the emissions trading permit system being bandied about in the pollution business. What about managing interest rates in a way that the return on money is less than the return on productive value of land so there is no financial incentive to destroy ecosystems.

31. We need to make sure that provinces "come in line" with the national approach. It could come to pass if provinces **wish** to make it so, but there is nothing to compel them to do so.
32. Transition to a legislated approach from a "good governance" approach must be done very carefully. We must avoid the highly litigative approach common in the United States.
33. Support expressed for the idea of a scientific body for assessment. However, it must have access to the scientific expertise housed in government. "Arms-length" should not translate into "no-government people allowed". Must also have access to and use, traditional knowledge.
34. Consideration should be given to four types of response to a listing:
 1. Further scientific inquiry required
 2. Mitigation plan is required
 3. Recovery plan
 4. Not practical to do anything

It is particularly important to explicitly allow for the latter option. Should not be shy about this - in some cases it might just not be possible to do anything.
35. Maybe we should use "basic" or "common" requirements instead of "minimum requirements".
36. What about identifying habitat requirements of listed species as part of the assessment process, what if any recovery plans are in place for those habitats and whether the recovery plan for the species could be lumped in with the habitat plan or plans for other species using the same habitats.
37. Need to make sure that while the assessment process must be science based, we must make sure that we do a better job of building in grassroots people in the plans. We need to have a human-face recovery plan.

Evening session: Questions

1. Composition of COSEWIC
2. Does this deal with anything at a level less than species.
3. Will there be a "provincial COSEWIC" in each province?
4. How would a sub-species or population make it on the list OR make it on to provincial lists?

Concerns/Issues

1. We need to devote far greater attention to species before they get to at risk status. If we had spent the money on the whooping crane before it became endangered, it might never have gotten there.
2. Need to appreciate that sub-populations are important indicators of critical habitats. Maybe what we need is a "red-flag" category. It would just signify that the species is in some trouble though does not necessarily meet the quantitative criteria.
3. Monitoring of quality of habitat is often a better way to find out about potential endangered species concerns and should be considered as a useful tool.
4. Reliance on existing provincial wildlife legislation will not be sufficient; most of them deal only with game species.
5. Need to ensure that the legislation is written in a way that ensures that action will be taken, not just plans developed.
6. The notion that at a national scale, efforts could be made to identify groups of species where polytypes are common and therefore, populations are more significant. It could be a useful way of deciding where to start in assessing status.
7. Key challenge is to change mindset of public to support endangered species conservation. Legislation can help to do this by making it more difficult to do things that harm species. Education is extremely important as well.
8. Let's not get too confident in our ability to make unbiased scientific judgements. Population modelling and forecasting is a very imprecise area and will not produce "answers" in which we can be absolutely confident. We should not try to give the impression that this process will lead to this level of certainty.
9. The document does not pay sufficient attention to international boundaries and the need to link conservation strategies across these boundaries.
10. What about the idea of making provision in the approach for a conflict resolution process. We need to recognize that there are going to be disagreements regarding how to manage species and we should put in place a way of acknowledging this reality and building a process to deal with it.

Endangered Species Public Consultation

Fredericton, N. B., May 8, 1995

Report by J. Alexander Burnett

Introduction

On May 8, 1995, I had the privilege of acting as facilitator for a workshop convened to discuss the strengths and weaknesses of the draft guidelines in "A National Approach to Endangered Species conservation in Canada". The following notes attempt to capture some sense of the dynamics of the meeting and the tone of the concerns expressed.

The workshop was a generally positive experience. Participants represented a wide range of organisations and viewpoints. The primary affiliations of the 40 who signed the attendance sheet were as follows:

Business (6) -
 environmental consultants (3); forest industry (3)

Non-Government Organizations (8)
 environmental (4); industry (3); first nations (1)

Private citizens (6) - students (3); others (3)
 Academics (4);
 Media (3)

Government - municipal (1); provincial (8); federal (4)

About a dozen others attended, but did not sign in.

The discussion was divided into two distinct parts:

- 1) Clarification - an opportunity for participants to ask for information about (and interpretation of) the guidelines outlined in the discussion document
- 2) Discussion - an opportunity for participants to propose amendments to the document and/or to the process of developing a conservation strategy based on endangered species legislation.

The comments and questions raised during the clarification session were useful indicators that some aspects of the document and the process require clearer definition to avoid ambiguity and confusion.

Clarification

The following were notable areas of concern:

- a) There appeared to be a lack of knowledge, especially among citizens and some NGOs, as to the respective authorities and responsibilities of the federal and provincial agencies involved in conservation, and the nature of the process (collaborative or coercive) by which jurisdictional questions are to be resolved between them.
- b) Scientists from government, academic, and private sector organisations tended to focus on ambiguities in the language used to define the parameters of the conservation strategy. For example, concern was expressed over the use of "species" in preference to "subspecies" or "population" and the use of "age", "generation", "range" and "habitat" without reference to spatial or temporal scale.
- c) Private sector representatives indicated dissatisfaction with the definitions of terms like "taking" and "interfering" and a general concern about the implications of the enforcement of endangered species regulations when applied to private land.
- d) The inclusiveness of the consultation process was questioned by a few NGO representatives. It was noted that, although the document stresses the importance of involving aboriginal people in the conservation of endangered species, the only aboriginal representative at the session had not received an invitation, but came after he read about the event in the previous day's newspaper.
- e) Scientists and NGO representative asked if additional public resources would be available for expanded biological inventory research, in view of the document's commitment to a framework that will address the conservation of "all living, non-domestic organisms native to Canada". Their concern, on being told that no significant increase is likely, points to an area where the strategy may encounter problems of credibility in the scientific community.

The clarification session indicated that the language of the blue book will need to be made more precise before it can be used as a foundation for legislative or regulatory decisions. Despite wariness about the process and the ultimate product, participants were prepared to work together to develop constructive amendments.

Discussion

The concerns raised during the clarification session established the dominant, recurring themes of the longer discussion:

clarity of language concerning regulations, listing criteria, etc;

jurisdictional commitment and enforcement authority;

scientific validity and the need for an expanded knowledge base;

integration of conservation aims with economic and property rights

The workbook questions at the end of the Blue book served as a loose framework to guide discussion. This technique elicited a wide range of comments while preserving the context and coherence of the meeting. A long list of participants' suggestions was compiled and, while some of these are contradictory, taken collectively they represent a substantial body of input to the proposed strategy. As these have been recorded elsewhere, they will not be repeated here. Rather, the focus will well on one particular quality of the discussions - namely an inherent level of wariness about the ability of governments to achieve an improved endangered species conservation framework.

Bearing in mind that the range of opinion around the table was extremely varied, it is nonetheless possible to make a few broad generalisations to demonstrate the underlying tone of scepticism. Industry representatives expressed concerns about over-regulation. NGOs feared that national standards might not be adequately enforced by provincial and territorial authorities. Scientist were disturbed that the end product might be a "cosmetic" policy lacking the research and resource backing needed to make it meaningful. Many participants, regardless of affiliation, voiced doubts about the degree and quality of accountability that would be built into the strategy, and some questioned whether their input would be taken seriously.

At the same time, there was a broad consensus that a conservation strategy is needed, that it should be based on sound principles and practices, and that widespread consultation of this sort can play an important role in devising it. In summary, the workshop indicated that a strongly supportive constituency exists for a national strategy for endangered species conservation, tempered by a moderate degree of cynicism as to what will be accomplished. If this tone has been present in other workshops as well, then it would be wise to assume that credibility will be a challenge facing this project as it moves towards the status of law.

Endangered Species Public Consultation

Yellowknife, N. W. T. , May 9, 1995

Report by Hal Mills, Geo North, Yellowknife.

Registration. 45 people registered at approximately 7:00 p.m.

Opening, Review of Agenda. Hal Mills introduced himself as facilitator, explained the format of the workshop, and reviewed the agenda. People with briefs to present were asked to hold them until agenda item 6.

Welcome: CWS, Renewable Resources. Gerald McKeating (CWS Regional Director) welcomed participants to the workshop, read a message from Hon. Sheila Copps, and explained the context and objectives of the workshop. The workshop is not a debate, but a seeking of views. He stressed the importance of cooperation between governments and aboriginal organizations in the north and the role of co-management boards established through land claims agreements. He noted that responses to questions in the "blue book" can be sent until the end of May.

Derek Melton, (Director, Wildlife Management, GNWT Renewable Resources) welcomed participants on behalf of the Government of the Northwest Territories and commented upon workshop objectives. He used overhead slides to review how species at risk in the Northwest Territories are covered by current legislation.

Consultation Team Presentation. Lynda Maltby (Chief, Endangered Species Conservation, CWS) presented A National Approach to Endangered Species Conservation. She stressed it is a national approach, not a federal approach. The intent is to build a national regime, a part of which is federal legislation. One purpose of consultations is to reach agreement with all provinces and territories on a harmonized approach to endangered species conservation in Canada. The goal of the approach is to prevent any species from becoming extinct as a consequence of human activities. In addition to national consultations the approach will be discussed at the next meeting of Federal-Provincial-Territorial Ministers of Wildlife, and legislation may be introduced into the House of Commons in the Fall of 1995.

Questions re: Presentation. There was a lengthy question period, with most questions directed to Lynda Maltby. In general, the questions reflected concerns about the need for the initiative, the speed with which it was being pushed forward, the lack of northern representation on the Task Force, the lack of aboriginal involvement, the negative impact that it could have on northern development, the cost of implementation or compensation, and how the approach related to current legislation.

Round Table Discussion. A "round table" discussion was held to give each participant the opportunity to express an opinion on the proposed national approach, and then the floor was opened to additional comments. People with Briefs were invited to table then, and to introduce and explain them during round table comments. However, they were asked not to read their briefs.

The round table discussion lasted about an hour, during which time opinions expressed covered the complete spectrum from support to opposition. Most speakers indicated a level of support for the national approach, while expressing concern about specific aspects of it. Although no attempt was made to reach a consensus, the following concerns identified or supported by participants reflect the mood of the workshop.

- Co-Management Board. The legislated role of Co-Management Boards is not properly reflected in, nor respected by, this proposed approach. Constitutionally-protected land claim agreements have already established Co-Management Boards in parts of the Northwest Territories. These Boards have a mandate to conserve wildlife species and substantial time and effort has gone into ensuring that they are doing a good job. A new national approach requires prior consultation with each Board. Any new wildlife legislation requires prior consultation with each Board.
- Consultation. Neither public meetings nor information sessions held with boards satisfy requirements to consult with Co-Management Boards. More public consultation is required on the linkage between endangered species, protected areas, and traditional knowledge. There is insufficient time available for public consultation.
- Timing. What is the hurry? The time frame for having new endangered species legislation by this Fall is neither reasonable nor realistic. More time is required for consultation with Boards at their meetings/assemblies, and for Boards to consult with their beneficiaries. More time is required to look at linkages with protected areas and with existing wildlife conservation programs. The short time frame puts the consultation team in "a hell of a bind" to do a good job.
- List Confusion. The concept, of having different national/ federal/territorial lists of endangered species is confusing. As well the "blue book" appears to emphasize a scientific approach to listing endangered species, and it is not clear what role traditional knowledge will play.

- Goal. The goal of protecting endangered species is a good one, and implementing it will require protected spaces, but the linkage between them is not clear here.
- Priority/Necessity. What is the priority for this initiative, and why is the federal government pushing for it so quickly? Many speakers questioned the need for endangered species legislation in the Northwest Territories.
- Education. There is a need for education so that industry/mining interests know which areas are likely to be locked up, and how the new legislation relates to the current regulatory framework.
- Prevention/Enforcement. There was some concern that the approach is too "wishy-washy" and that it won't have teeth to make it enforceable. We need to do the right thing.
- Commitment. A representative of Ecology North noted that there had been a lot of talk about harmonization and co-management, but precious little in the way of commitment to the protection of endangered species.

The Gwich'in Renewable Resource Board submitted a Brief.

The brief expressed concern about steps for incorporating aboriginal perspectives and knowledge into the criteria for the listing process. The brief expressed support for the overall purpose and goal of the national approach, and felt the underlying precepts "seem to capture the important aspects of species conservation."

The Board felt that specific details do not "mirror the underlying precepts." It objected to removal of the present "vulnerable" category, saying it, "reduces the ability to identify species at risk in the future."

The brief called for, "a stronger commitment to actually take action to protect species. Under the proposed framework, protection and action would be discretionary."

Responses: CWS, Renewable Resources. Gerald McKeating thanked participants for their input and assured them that their opinions would be listened to. In particular, he noted that clear messages had been received on aboriginal involvement, the importance of traditional knowledge, and co-management boards.

Derek Melton said the workshop provided comments from a range of interests; a number of speakers felt the preventative part of the proposal needs boosting. He knew the federal government was aware of obligations for consultation and for involving boards in the species listing process, he expressed concern that the short time would make it difficult to meet those obligations. Vigilance is required to make sure co-management happens. Federal legislation has been highlighted, but it is only part of a national approach.

Endangered Species Public Consultation

Vancouver, B. C., May 13, 1995

Report by Christopher Carter, OpenMind Consulting Services

Among the variety of topics proposed, significant recurring themes were uncovered. This synopsis by no means serves to repeat what was discussed and recommended; rather, it attempts to highlight those topics and ideas that seemed to hold the most interest for the participants on the day.

Setting the Context

It was generally felt that achieving an environmentally sustainable economy will help endangered species, although it was also recognized that these can be (and usually are) in conflict. Coming through loud and clear was that the framework be truly “national” (no province can opt out) and that the federal government has an important role to play as the central control mechanism for the framework, especially in the areas of standards for listing, cross-border issues, and an escalation process for enforcement.

Protection

There should be one list for the country, not separate lists for the provinces and the territories – having the list in the form of a database was proposed. The criteria for listing should be scientifically credible but also based on the Precautionary Principle: insufficient scientific evidence or data should not prevent action on an endangered species. Once nominated, a determination should occur within a reasonable time frame. The listing work should be done by an independent committee (i.e. non-political), which should include scientists, Aboriginal people (who have special knowledge), and respected, non-partisan members from the public. The public can be involved in the listing process by nominating species for consideration and commenting after nominations have been made.

There was concern about the proposed elimination of the “Vulnerable” category – it was thought the category should be retained since it is preventative and proactive in approach.

The legislation should include protection for not only endangered species but also sub-species and distinct populations. A scale called the Evolutionarily Significant Unit (ESU) was proposed – ESU is the lowest genetically distinct level, such as Sockeye salmon from the upper reaches of a particular stream. It was proposed that ecosystems and habitats also be included in the framework, which could be in the form of a list of processes and practices destructive to non-replaceable habitat. Some people perceived a terrestrial focus to the proposed framework and wanted more emphasis on marine mammals and freshwater fish.

Legislation

Private lands should be included in the legislative framework. It was thought that public education is critical for this to work: how to protect, why, how to contribute information, assuage fears, and promote cooperation. Positive incentives (like tax breaks), rather than disincentives, could be used to promote the protection of endangered species on private lands.

The federal government has a key role to play in protecting species that cross jurisdictional boundaries, which include municipal, provincial, territorial and international. Further, species should be classified consistently on a national basis; for instance, a species considered endangered in one province means that it is endangered nationally. Migratory populations that cross the U.S. border should be dealt with at the federal level. It was proposed that no products from endangered species be allowed in the marketplace.

All proposed development, regardless of size, should not interfere with the critical habitat of any listed species before the development is allowed to proceed. Developers making proposals in critical areas should assist with the financing of protected areas.

Action

Once an endangered species is listed, protection should be mandatory and enforced appropriately, rather than “conserved.” All levels of government should be involved in enforcement – if the first level of government does not enforce within a set time frame, the next level should take action. The penalties for any person or organization found guilty of habitat destruction should be high enough to ensure that no financial benefit can be achieved, either now or in the future. Funds raised through fines should be put directly towards protection and education.

A strong theme around citizen initiatives emerged. It was felt that citizens should be able to nominate species for protection, initiate prosecution or suits to protect habitat or species, and be protected themselves from retaliatory tactics, such as S.L.A.P.P. actions. The idea of a national coalition of citizen environmental stewards, endangered species ombudsman if you will, was proposed to oversee enforcement action.

Recovery

It was generally agreed that emphasis should be placed on the prevention of species decline, so that recovery plans (under a sense of crisis) are unnecessary. Recovery strategies should be based on scientific criteria, using the best available scientific knowledge. Strategies should be non-discretionary, require development and implementation within a specified timeframe, and consider the effects on other (potentially endangered) species. Effectiveness of recovery plans should be monitored.

Teams involved in the recovery of species can recommend delisting or change in status. The process of delisting should include scientific input and public consultation. A monitoring process of delisted species was proposed to ensure that recovery is complete.

Wrap-up session remarks

During the closing plenary, participants shared insights from the day. The process facilitated the revealing of an “incredible degree of consensus” (according to one participant) between the diverse representations in the group. It was appreciated by the participants that government representatives (both federal and provincial) were able to engage in small groups and were perceived to be open minded and not defensive. “Positions were parked at the door,” one official stated, adding that “This was the best session for public input that he had ever attended.”

☺ I am pleasantly surprised how the government people present supported the initiative, very open-minded.

☺ We should not place all our faith in scientists; we must include other types of knowledge e.g. aboriginal knowledge.

☺ I am amazed at the degree of consensus.

☺ Things learned today: this type of legislation already exists in Australia, New Zealand; meaning of ‘evolutionary significant unit’, meaning of the Precautionary Principle.

☺ We should look at the strengths and weaknesses of other legislation in foreign countries.

☺ One major weakness observed; no reference to habitat.

☺ Population impacts are a serious concern; the population is further in thinking than government officials. A law should be enacted to make the environment around cities safe.

☺ There is a range of legal opinions regarding the roles the different governments should play; we cannot only rely on voluntary participation of provinces.

☺ There was a lot of knowledge among participants.

☺ Points of consistency across Canada in terms of consultations:

Listing - multiple lists are too confusing. People want one national list with identification of species and subspecies and populations.

There is a lot of cooperation with provinces and territories and enthusiasm to make the process work.

There are many sectors involved and many points of view but people are sitting down and talking.

Open Space Topics: (Spaces where people interested in a topic, issue or question could meet together to discuss that topic.)

The topics from Open Space have been listed in descending order of participation. The sessions which most people attended are listed first. This is not meant to be scientific, just indicative of the topics that held the most interest for the participants.

Topic, Issue or Question	Number of people
Endangered sub-species and distinct populations must be protected under federal legislation and action	16
Scientific Listing Process - Who, What, Where, etc. How applicable to different governments	13
Habitat protection is key to endangered species protection	12
What are the minimum requirements for a recovery strategy for an endangered species?	11
Legislation must be obligatory for governments (must require government action)	10
How do we protect species on private lands?	10
Creating a framework for incorporating <i>ecosystems</i> into the legislation	9
Delisting Species	8
Canadian Marine Mammal Protection Act (CMMPA)	8
What can we learn from other endangered species legislation (strengths & weaknesses)?	8
Enforcement of protection policy	8
How do we prevent opponents of endangered species legislation, who are organized and well funded, from having undue influence on our government?	7
How do British Columbians express concerns about other provinces' problems?	6

Federal government must bring in a population policy that reflects sustainability for the environment	6
Will individuals be able to sue under a federal endangered species act (E.S.A.). Will it be a comparable process to the U.S. E.S.A. practices?	6
Putting wildlife in marketplace as conservation strategy	6
Human activity is the main cause for species extinction ... how to limit population growth	5
Protection, legislation and action must apply to all endangered and vulnerable species (not just higher plants and vertebrates)	5
Legislate for listing processes and actions which are destructive to habitat and acting on this - how does the Precautionary Principle apply here?	5
Concerns about endangered species in a small area along the U.S. - Canadian border	4
Old growth forest destruction - how do we prevent or impose better controls to this endangered species in this area?	4
Legislation must give federal government power to act and protect an endangered species if a province does not act	3
Representation for freshwater aquatic organisms is inadequate in the discussion paper	2
Endangered Species Act should incorporate CITES legislative changes	2
Which species do we protect and which do we not?	1
What system of categories of risk should be used?	1
Protected spaces do not place enough emphasis on endangered species	1
Legislated Habitat Protection Act	1

Endangered Species Public Consultation

Montréal, Québec, May 17, 1995

Report by Louise Gratton, biologist.

Some 20 persons attended the public consultation workshop in the auditorium of Redpath Museum at McGill University in Montréal. The limited comments on the proposed national approach to endangered species conservation in Canada were marked by a strong unanimity on the categories of species at risk, the designation procedure and elements of duplication with the Quebec law.

One organization, l'Union Québécoise pour la conservation de la nature, (UQCN) submitted a brief in which it recognized that:

- a) Canada has an international obligation under the Convention on Biological Diversity to protect endangered species;
- b) The proposed national approach is a necessary approach for endangered species conservation in Canada;
- c) The legislation should have a compulsory character;
- d) Protection of endangered species is the constitutional responsibility of the federal government and the provincial and territorial authorities.

The brief also quoted the following resolution adopted by the annual general meeting of l'Union Québécoise pour la conservation de la nature in November 1994:

"That l'Union Québécoise pour la conservation de la nature continues to support in principle the adoption of a federal law on endangered species, on condition that such a law be complementary to the Quebec law on endangered species and that its development be carried out in concert with the Government of Québec."

Categories of risk and criteria

The participants supported a harmonization of the categories of species at risk with the system adopted by the Province of Québec, that is "Endangered", or "Vulnerable".

It was suggested that the IUCN criteria could be adapted to reintroduce the category of "vulnerable", with the meaning which has been given to it by COSEWIC. It was felt the proposed categories "critically endangered", "endangered", and "vulnerable", should be combined into the category of "endangered."

This would in no way prevent use of the IUCN criteria, or any other relevant criteria, for setting priorities in the urgency of interventions to protect species or in the preparation of recovery plans. It was remarked that in spite of the criteria, information is not always available and designation is a subjective exercise.

Designation procedures

COSEWIC should be responsible for determining the degree of risk for a species and for providing information on this designation to the ministers responsible for wildlife management in Canada and to the public.

There was concern that designation of the status of species, which it appeared would have legal status, should be based strictly on scientific criteria and that other factors (socio-economic, political, etc;) should not be considered in the designation process.

The responsibility of the committee (COSEWIC) should be to propose or determine the designation of a species on the basis of biological and ecological criteria, independent of the factors (human or natural) which threaten it. Socio-economic factors should be integrated into the listing process by means of consultation with those who use or manage the resource and who will be responsible for management or co-management of local or regional populations of the species.

Duplication of Québec Law

It was felt that the federal law on endangered species should be complementary to the provincial law on endangered and vulnerable species.

Participants questioned the pertinence of a federal list in the case of Québec. It would, they felt, have the effect of duplicating the designation process and already limited resources. It was remarked that provinces also have a responsibility to preserve biodiversity within their borders.

Clarification of some comments led to a suggestion that species designated under the provincial law should be so considered when they occur on federal land or within federal jurisdiction.

The meeting supported the legal designation of a species of "national interest" and of a national list of species at risk. There were questions about the consequences of not defining the term "of national interest" in the proposed national approach.

Other comments

The importance of habitat protection was mentioned several times. There was reference to an absence in the national approach to studies on endangered species. It was suggested that the legislation should provide for incentives (including financial incentives) to protect endangered species and their habitat on private lands.

Endangered Species Public Consultation

Winnipeg, Manitoba, May 18, 1995

Report by Ian Montgomerie, Praxis, Edmonton

Attending: Gerald McKeating, Regional Director, Environmental Conservation Branch, Prairie and Northern Region, Edmonton.

Charles Dauphiné, Canadian Wildlife Service, Ottawa

Brian Gillespie, Director, Wildlife Branch, Manitoba Natural Resources, Winnipeg

Facilitator: Ian Montgomerie, Praxis, Edmonton

Key Themes (Not in order of priority)

- 1) Aboriginal peoples need more than consultation and should be dealt with as another level of government.
- 2) The role of amateurs must be respected and utilized.
- 3) Allowing provinces and territories to opt-out will lead to a lowest commons denominator approach to protection initiatives
- 4) The rights of landowners must be respected.
- 5) An ecosystems approach should be used.
- 6) More time is required to design and implement this proposal to allow for more public involvement.
- 7) Public awareness and public information is essential to successful implementation.
- 8) The legislation should encourage cooperation by providing incentives, not penalties.

Questions

Following the presentation by Mr. Dauphiné, questions dealt with federal control over interprovincial trade; the impact of federal legislation on provincial legislation; whether there would be one consistent law across Canada; the rights of provinces to ignore listing a species listed on the national list; habitat for vulnerable species; merging endangered 'species' with endangered 'spaces'; and the time line for implementation.

Points of Discussion

The Role of Aboriginal peoples

- Aboriginal peoples need more than just consultation. Aboriginal land claims give aboriginal peoples responsibility for land management. They should be dealt with as another level of government.
- Aboriginal peoples have traditional knowledge of local ecosystems and harvestable species, which needs to be recognized along with 'scientific' knowledge.

Scientific Needs and the Availability of Data

- The role of amateurs must be recognized and a mechanism developed to collect amateur data. Legislation should not limit the ability of amateurs to collect species for study.
- The category of 'Data Deficient' is very important. With wide variation in population estimates, there must be a bias toward caution. Scientific evidence should be open to challenge.
- Criteria should be established to assist in focusing efforts and resources. A baseline inventory is required to assist in identifying problems. However, there is a serious lack of good estimation models and a diminishing number of trained professionals.
- The approach should be one of protection of the ecosystem requiring a process of ecological monitoring. The assumption that we should wait for a species to be in decline is wrong. By that time it is already too late.
- Some consideration should be given to the problems of over-population and migration of species resulting from human activity.
- There is a need for independence in the decision process. There is gap between science and the value judgements regarding what the response should be. Protection should be provided for 'whistle-blowers' and a process established to deal with complaints.
- Many of the definitions used in the proposal are too complicated for the public and need to be simplified.

Harmonization of Legislation

- With provinces able to opt-out of effective action to preserve the species, the overall protection process will be reduced to the lowest common denominator.

- Provinces will ignore the legislation as they have in the past. Strong federal legislation is required to ensure that provinces follow through on commitments. Legislation should ensure that species on the national list are placed on provincial lists, and that effective action is taken.
- There is a need to harmonize the three lists and provide a clear distinction between them. These lists need to be brought up to date.
- The courts have recently shown environmental protection to be an area of joint responsibility. This proposal seems to allow the federal government to abrogate its authority to the provinces and territories.
- As the threat to species increases, so should the degree of inter-governmental coordination.

Need of Humans vs the Needs of Other Species

- All species are co-dependent and the needs of one affect the others.
- We need to take a long term perspective. We may have crossed the limits of sustainability in some cases many years ago
- There are some basic conflicts between humans and endangered species. Churchill residents would support the reduction of the population of polar bears. Bowhead and Beluga whales are needed to preserve cultural traditions.
- The suggested set of minimum legislative requirements provides for 'Emergency Authority' to suspend activity affecting an endangered species. Who will bear the cost, how far will that authority extend, and who will provide compensation? Increasing human population results in the need to produce more food, reducing habitat and creating more stressors on other species.

Timing

The time frame for the proposal is far too optimistic. More time is needed to consult with the public. Stakeholders need to be involved more.

- Public awareness must be improved if the process is to be a success. Public awareness is limited now.

Mechanisms for Effective Recovery

- The open process for recovery programs is endorsed and welcomed.

- The team making the decisions and the team implementing the recovery plan should not be the same. The decision-making teams should involve stakeholders and take a cooperative approach. The implementation team should be made up of skilled professionals.
- The proposal neglects the need for public information and awareness programs. There needs to be better incentives rather than penalties, and better monitoring rather than enforcement.
- Recovery programs should focus on practical responses.
- Expropriation without compensation should be avoided.

Concluding Comments

- Incentives are required, not penalties
- How will we pay for these programs?
- Focus should be on preservation of habitat and a recognition of the need for habitat management.
- Protection should not hinder research.
- Legislation should empower the public to be involved. The importance of non-governmental organizations and the role that they play should be acknowledged through partnerships.
- Natural areas should be identified.
- Recognize that this initiative is part of a larger process and that there are redundancies with existing systems. This initiative should be integrated with the biodiversity strategy and other wildlife policies.

Endangered Species Public Consultation

Toronto, Ontario, May 19, 1995

Report prepared by Lynne Betts, LURA Group, Toronto.

Introduction

On May 19, 1995 Environment Canada convened a one-day workshop in Toronto to discuss the proposed National Approach to Endangered Species Conservation in Canada. This workshop, one in a series held across the country, was attended by approximately 40 participants representing a range of interests including: the mining sector, academia, non-government organizations, the agricultural community and the federal and provincial governments.

The workshop began with opening comments and background information presented by representatives of Environment Canada and the Ontario Ministry of Natural Resources. Following the opening presentations, the group indicated its preference, through a majority vote, to spend the day in a plenary discussion instead of breaking into smaller discussion groups.

The plenary approach provided participants with the opportunity to hear all the perspectives from the groups represented. It did not permit a detailed discussion on individual points. Instead, the discussion identified a "shopping list" of concerns, suggestions and ideas related to species conservation.

While all participants were encouraged to participate in the discussion, group members requested that the following caveats be included in the summary report of the workshop:

- 1) the report summarizes the points presented during the discussion but does not necessarily represent all of the perspectives of participants (since some did not take part in the discussion);
- 2) the length of the workshop could have been extended to accommodate further discussion; and
- 3) participants provided comments based on the available information.

Participants also asked to receive a copy of the workshop report.

Key Observations

During the workshop participants were asked to respond to the eight focus questions in the discussion document. In some cases participants talked about issues related to a particular question but did not necessarily address the question directly. A number of key themes emerged as a result of the day's discussion:

- 1) A set of minimum national standards for species conservation should be developed. There should be one national list of species at risk. There should not be separate provincial and national lists.
- 2) A legislative approach is one tool that could be used to achieve objectives but a combination of approaches, including voluntary mechanisms, should be considered;
- 3) Habitat protection is key to species conservation but it is not addressed in the discussion document;
- 4) Availability of resources (financial and human) is key to achieving objectives;
- 5) Many stakeholders (eg., the agricultural and mining sectors) are willing to work co-operatively to achieve conservation objectives;
- 6) Biodiversity needs to be defined and clearly understood;
- 7) Canada needs to consider the commitments it has made in terms of the United Nations Convention on Biodiversity.
- 8) Increased education and awareness of species conservation is required;
- 9) The language in the discussion document should compel and mandate listing activities;
- 10) The approach should be *action oriented*. Concern was expressed that a bureaucratic/administrative approach may not result in action to conserve species.
- 11) While there is a need for sound science many felt that it should be balanced with the precautionary principle.
- 12) The roles and rights of private landowners in achieving species conservation should be considered.
- 13) There is a need to recognize that resource development and species conservation may not always be mutually exclusive. A flexible approach is needed.

Discussion Summary

Following is a summary of points raised when the group considered each of the questions.

#1 Have all the essential elements been identified in the proposed national approach?

- A preamble that explains the importance of protecting endangered species could be included in the document:
 - All Canadians are involved;
 - All species deserve protection; and
 - All Canadians should have access to the process and information.
- The preamble should define sustainable development and recognize that it does not mean just economically sustainable development but rather ecologically sustainable development.
- Ecosystem management, the need for co-operative approaches and the role of private land owners should be stated in addition to the "special role" for Aboriginal people.
- Voluntary approaches work best but a minimum national standard is needed to protect species.
- Mandatory legislation is needed to achieve objectives.

#2 The Listing Process

In your opinion, is the proposed assessment process satisfactory? How could it be improved?

- Current levels of available information may be insufficient for effective species management.
- The precautionary principle could apply, meaning that we should err on the side of species protection.
- Endangered spaces should also be listed.
- Sub-species and populations should be included in order to preserve genetic diversity.
- There needs to be a process for identifying habitat. COSEWIC could address endangered spaces, habitats and species.
- Risk assessment should include socio-economic criteria.
- The listing process should include *low risk* categories to monitor the status of species and avoid a crisis management approach.

#3 Response Actions

If a species is listed as critically endangered, endangered or vulnerable, what action should result?

- Discussion Document, Appendix A, Page 20, #6 -- it was suggested that emergency authority should not rest with one Minister but instead be a cabinet decision.
- Discussion Document, Appendix A, Page 20, #7 -- it was suggested that there should be a provision for local input to the implementation of the Recovery Plans.
- It was suggested that annual reports, combined with frequent monitoring and the appointment of an Endangered Species Auditor/Commissioner who reports to Parliament would help achieve the goals of the proposed national approach.
- Participants questioned the level of financial commitment on the part of government. Funding is critical but participants noted a viable economy is key to paying for the programs. Is species protection a priority? Some said strongly this is a priority; others questioned where it fit on the priority list.
- Some suggested the economic implications of species loss be considered, particularly as it relates to eco-tourism.

#4 Recovery Plans

Listing of a species as critically endangered, endangered or vulnerable, often leads to the preparation of a recovery plan to restore the species to a healthy level. Under what circumstances should recovery be considered not feasible?

- Some suggested that under no circumstances should the recovery of a species be considered as not feasible.
- "Political will" was noted as a significant factor when it comes to implementing Recovery Plans.
- There should be local input, including industry, into the development of Recovery Plans.
- It was noted that if the approach put an emphasis on habitat protection that species protection would follow.
- Some expressed concern about the feasibility of developing a Recovery Plan for some bacteria and microorganisms.
- RENEW should be based on a multi-stakeholder (multi-disciplinary) approach.

#5 Habitat Management

How should endangered species be managed on private lands? crown lands? on treaty lands? in Canadian waters?

Private Lands

- We need to manage ecosystems not just habitat.
- Private landowners need to be "on side" to assist in protecting habitat on private land.
- Incentives encourage private landowners to conserve habitat.
- Opportunities to redirect subsidies (eg., provide tax rebates to private landowners to protect habitat) should be explored. A full accounting of existing subsidies should be undertaken.
- Members of the agricultural community noted that the ability of the family farm to provide an income should be protected.
- Some participants noted the difference between habitat preservation and habitat management.

Crown Lands

- Large tracts of crown land should be set aside for conservation. Many industries (eg., mining) rely on crown land, so a portion should be set aside for these activities.
- Opportunities for integrated land use (eg., mining and species conservation) should be considered. Development work and conservation are not always mutually exclusive.
- Cooperative approaches should be explored, e.g., prospectors could help inventory species.
- There is a role for the government to demonstrate leadership in terms of protecting endangered species on crown land.

Treaty Lands

- Co-management of lands should be encouraged.

Canadian Waters

- Concern was expressed that marine eco-systems do not get much attention. It was suggested that a series of large (ie., five to 10 miles wide) marine sanctuaries be created.

#6 Species of Concern

Under What circumstances should a species be considered of national concern? regional concern? local concern?

- All species should be listed nationally but the responsibility for Recovery Plans should be at the provincial level.
- Scientists and conservationists should determine what species are at risk.
- Concern was expressed by some that local priorities could dictate the management of a species that is of national interest. For fisheries on the east coast, local economic concerns have determined the management approach.
- The role of international commitments and issues was raised and concerns were expressed about protecting endangered spaces on the Canada/United States border. Climate warming may cause ecosystems to shift northward.
- Blue book, page 13. Why would a species occurring partly in Canada which is on the IUCN Red List be on Canada's national list. What would listing in Canada trigger?

#7 Legislation

In your opinion, what are the essential elements of law that every agency should have in place (Appendix A)?

- The proposed approach should be efficient, effective and minimize economic impacts.
- The rights of the public vs industry need to be considered.
A "whistle blower" mechanism to give individuals the opportunity to report concerns should be built in, but we must guard against frivolous suits or harassment.
- Blue book, Appendix A, Page 20, Opening Paragraph "... or authorities, if any, it wishes to apply." -- concern that jurisdictions have the option of doing nothing. Recovery Plans should be mandatory and the law should be clear and explicit.
- Blue book, page 8, point 2 -- concern that the language does not commit jurisdictions to list. Federal legislation should compel/mandate the listing of endangered species.
- A co-operative approach, increased education and working together, will work better than a regulatory approach.
- Farm community wants to preserve species but is concerned about the livelihood of farmers and issue of compensation.

#8 What other means would you suggest to improve endangered species conservation in Canada? for the federal government? provincial or territorial governments? industry? the public?

Federal Government

- All orders of government have to show leadership and support for this initiative. This is perceived as a low priority. Environment Canada has to commit the resources to this issue.
- Habitat loss is the biggest threat to endangered species and we need an understanding that some lands should be protected.
- An act to protect endangered ecosystems does not exist.

Industry

- Industry sector associations are willing to assist and should be asked to help. Co-operative strategies still need resources.

Agricultural Sector

- The environmental farm plan prepared by the agricultural community could include an endangered species module.
- Stakeholders in these discussions need to improve their relationships in order to work together and gain mutual trust.

The Public

- Increased public awareness and understanding of the issues is important. There are challenges to keep the public, landowners informed so they can manage land in a way that conserves species.

Non-Government Organizations

- NGOs are strapped for resources and cannot be relied on to provide all input. Biologists and naturalists should be hired to provide input to initiatives such as the environmental farm plan.

Closing Remarks

While the people attending this workshop represented a range of interests and opinions a number of ideas were common.

Participants recognize that a combination of regulatory and voluntary approaches would likely work best.

The groups represented seemed to be willing and interested in working co-operatively to achieve species conservation. Barriers to achieving these co-operative approaches, however, seem to be rooted in a lack of information and understanding of individual perspectives.

Given the opportunity to build relationships and mutual trust, the possibility exists for alliances between government, industry, the agricultural community and conservation groups.

All groups recognized the importance of resources, both human and financial, to achieve conservation objectives and they expressed concern that any approach implemented be "action" oriented with a minimal administrative component.

Collectively the group identified the need for more information, between themselves, but also the need for more information for the public and policy makers. Concerns about the need for "sound science" were raised, particularly as it relates to decision-making. Without adequate information it may be difficult to identify a species in decline and prepare an appropriate plan.

This workshop provided an invaluable forum for Environment Canada to hear the perspectives of stakeholders and for stakeholders to hear the views of others. Additional opportunities to discuss co-operative approaches and share information would likely contribute significantly to species conservation in Canada.

Endangered Species Public Consultation

National Workshop, Ottawa, May 24, 1995

Report by Patricia Hayes, Resources Futures International

Introduction

The National Workshop to consult on the national approach to endangered species conservation was held in Ottawa on May 24, 1995. Similar to the regional workshops being held across Canada, the objectives were two-fold:

- to inform participants of the national approach to endangered species; and
- to consult interested Canadians on how the proposed framework could be implemented.

Invitations were sent to approximately 130 heads of national organizations, government, environmental non-government organizations, the private sector and members of the Task Force on Endangered Species Conservation. Some 78 participants attended and contributed to the findings in this report.

Agenda

The Assistant Deputy Minister of the Environmental Conservation Service, Bob Slater, opened the workshop on behalf of Sheila Copps, Deputy Prime Minister and Minister of the Environment.

David Brackett, Director General, Canadian Wildlife Service, presented an overview of the national approach to endangered species, describing the rationale, underlying precepts and proposed strategies.

Lynda Maltby, Chief, Endangered Species Conservation, responded to comments and questions which included:

recommendations to engender "craftsmanship" instead of a sense of rushing to complete the work; the need for provincial support; recognition of non-legislative components; and the inclusion of penalties and prohibitions.

Following the questions, participants broke into working groups to address the issues raised in the discussion document, Endangered Species Conservation: A National Approach.

Minister's remarks

Hon. Sheila Copps addressed the participants over lunch. The Minister presented the national approach as an opportunity for Canada to live up to its "green reputation" in the world by enacting federal legislation on endangered species. She described the interest shown by thousands of students across the country who have written her, calling for swift action to protect endangered species.

Ms. Copps outlined the need to establish a solid, coordinated and cooperative national approach to ensure the survival of species and for the federal government to provide a legislative leadership role.

The Minister described her plan to go to Cabinet within the next few weeks to urge the federal government to fulfill its responsibilities quickly regarding endangered species. Ms. Copps will bring forward plain language legislation and provide interested Canadians an opportunity to comment before drafting final legislation. She invited the private sector to propose concrete strategies for industries to advance federal legislation to protect endangered species.

In responding to questions, the Minister described legislation as one of the mechanisms that would be brought to bear in conserving endangered species; others would include incentives and taxes. Ms. Copps repeated the schedule for the plain language legislation to which Canadians could respond and the plan for final legislation in the fall. Appreciation was expressed by two participants for the actions described by the Minister.

Participants returned to their working groups after lunch and met in a plenary session at the end of the day where their discussions were summarized and presented.

Reports from the Working Groups

Following the questions listed in the discussion document, the four groups put forward the following comments and recommendations for consideration:

1. Essential Elements of the National Approach

context (e.g. Biodiversity Strategy, ecosystem approach, sustainable development);
cooperation among all levels of government;
preventative approach;
financial resources & cost of implementation;
education;
range of options (which may or may not include legislation);
voluntary initiatives and incentives;
flexibility in application;
recognition that some habitat must be protected from all forms of human development;
community participation and approach to solutions.

2. Listing Process

base list(s) on science;
use the COSEWIC model with expanded responsibilities and larger membership to reflect the diversity of stakeholders;
include sub-species and populations on the national list;
include low risk species (COSEWIC's definition of "vulnerable") and apply preventive strategies;
identify various categories within the lists (e.g. keystone species to the ecosystem);
consider international standards, use IUCN criteria but allow for greater stringency;
have lists trigger an ecosystem response; consider habitat and/or species listing;
apply an integrated land use strategy to address lists;
determine the cost of listing.

3 & 4 Response and Recovery Plans

distinguish between response and recovery plans;
include the possibility of no response (e.g. relic species);
conduct a cost-benefit analysis (including socio-economic issues and the cost of losing the species) at the response stage;
determine the effectiveness of a recovery plan;
undertake a community/ecosystem/holistic/habitat/groups of species approach;
base response/recovery plans on science and ecosystem approach;
employ multi-sectoral teams to prepare and review plans.

3 & 4 Response and Recovery Plans...continued

consider a joint committee (similar to Pesticide Registration Review Federal-Provincial Committee) to work on response efforts;
establish minimum criteria for recovery plans;
establish viable population sizes;
measures should not involve massive dislocation of communities;
include stewardship incentives and voluntary actions;
establish a process for setting species priorities;
include some mandatory provisions;
open the process.

5. Habitat Management

recognize that the most endangered species are endangered as a result of habitat degradation;
get "buy-in" through landowners and community involvement; exchange expertise with landowners;
recognize individual efforts through tax incentives;
compensate landowners for loss of income;
responsible jurisdictions should lead and involve the community.

6. Species of Concern

This area was not addressed specifically under this heading.

7. Legislation

establish legislation as one mechanism within a range of options;
link legislation to the Biodiversity Strategy;
emphasize prevention (include education);
make sure legislation has real “teeth”; make action required, not discretionary;
give legal status to the list(s);
create a “safety net” with legislation;
establish compulsory listing with complementary enabling action;
establish different provisions depending on the category at risk or the importance of the species/group of species to the ecosystem;
distinguish between human-driven and natural extinction;
maintain flexibility so that different species and categories are treated differently;
account for response actions;
provide adequate funding for the listing authority;
when listed species are bio-indicators of ecosystem health, have them trigger ecosystem-level action;
actively address cooperation and partnerships.

8. Other Options

include voluntary initiatives;
include incentives/incentives over prohibitive mechanisms;
spell out the federal role regarding international issues;
standardize penalties, include civil and criminal penalties;
bring concerted attention to education and awareness to breathe life into prevention (e.g. Schoolnet, curriculum tie-in; graduate research institute focused on endangered species; provide sectoral interests or community groups with resources);
examine the Biodiversity Strategy and Canada Wildlife Act for other tools.

9. Other Concerns, Comments

the consultation process on the national approach was too fast/too slow;
participants want to provide further input into the development of a national approach, especially the legislative component; the “plain language” legislation will need time to absorb;
there is both concern and support over the proposed national approach;
working from the discussion document put some participants in a defensive mode, reacting to what had already been prepared;

...continued/

9. Other Concerns, Comments ...continued

the federal and provincial/territorial governments need a uniform approach to endangered species conservation;

consider funding strategies such as:

increasing endangered species resources to at least \$0.30 - \$0.40 per Canadian; use an income tax check-off to dedicate donations to endangered species; apply a special excise tax on certain products related to endangered species conservation;

establish a "Conservation Bond" to be administered by a not-for-profit group, the capital of which could be invested in a basket of financial vehicles. Investors would get a small return with the rest being invested in endangered species conservation).

comprehensive land claims co-management agreements address one-third of Canada; how will native representation be incorporated?

is what is being proposed really achievable given the number of species and the necessary funding?

Endangered Species Public Consultation

Regina, Saskatchewan, May 24, 1995

Report by Ian Montgomerie, Praxis, Edmonton.

Attending: Gerald McKeating, Regional Director, Environmental Conservation Branch, Environment Canada, Edmonton.

Steve Curtis, Director, Canadian Wildlife Service, Ottawa.

Facilitator, Ian Montgomerie, Praxis, Edmonton.

Key Themes (Not in order of priority)

- 1) The rights of private landowners must be respected.
- 2) Legislation should provide incentives instead of penalties.
- 3) There is a need to consider the ecosystem instead of a single species.
- 4) All policies and regulatory agencies working in the environmental field must be coordinated.
- 5) Legislation may not be required if a more cooperative approach to involving stakeholders is adopted.

Questions on the Presentation

Following the presentation by Steve Curtis, questions from the group addressed the success of U. S. Legislation; harmonization of federal/provincial/territorial initiatives including inter-departmental coordination; the involvement of Agriculture Canada in the process; and the speed of the process.

Points of discussion

The group identified three major areas for discussion:

Rights and responsibilities of landowners and tenants

- Legislation should not infringe on the rights of private land holders including placing controls on private lands adjacent to protected areas.
- Legislation should provide incentives instead of penalties, rewarding landowner and tenant efforts toward good stewardship of the land and the continuation of past conservation efforts. Penalties often lead to a distortion of the intent of the legislation and to actions which are inconsistent with the overall objective. The Panel indicated that the 1995 Federal budget provided tax incentives for conservation efforts.

- Policies should go past regulation by government to supporting the actions of individuals. Landowners should be provided with assistance to support the maintenance of functional ecosystems. Research dollars should be channelled to supporting good behaviour.
- An appeal process should be established for individuals affected by the legislation. Public money should be available for the costs of appeals and compensation should be provided to private landowners and tenants for costs or lost income.
- Membership on COSEWIC should be broadened to include all stakeholders and any action or appeals taken under the legislation should be subject to peer review.
- Negotiation is preferred over legislation.

Use of science as a basis for decisions

- There is a need to look at the whole ecosystem, not just one place. The single species approach is not nearly as effective in cost or outcome as dealing with the larger ecosystem.
- There is a need for accurate baseline data on all species to identify when apparently abundant populations become threatened.
- Amateurs should be used more frequently to collect biological survey data.
- The independence of COSEWIC members is questioned. it is impossible to be completely free from pressure groups.
- The proposed approach does not indicate where the money will come from for recovery programs. There is a deterrent to add a species to the endangered list because of the required recovery costs.

Coordination of government policies

- There was a general concern that all policies affecting the environment at all levels of government should be coordinated and consistent.
- Environmental policies of the federal, provincial, territorial and municipal governments should be reviewed to look at their overall effect on the environment and at the objectives that they had set out to achieve. Agencies require feedback on inconsistencies and the public require feedback on effectiveness.
- Canada needs a comprehensive policy framework based upon an overall vision. Policies should provide assistance for sustainable development.

- Producers need a one-window approach to all regulatory requirements. Government should be a facilitator with clear protocols as to what approvals are required for any development initiative.
- The public should be brought in to the process to define the problem rather than reviewing the solution. Non-governmental organizations should have a larger role in policy making.
- More interdepartmental cooperation is required to ensure that implementation is successful.

Concluding comments

- A cooperative approach is preferred over legislation. Flexibility is required to meet constantly changing conditions and knowledge. A cooperative approach would create more 'buy-in' from stakeholders.
- If legislation is required there should be a five-year sunset clause with strategies reviewed annually. Legislation should be enabling rather than punitive. We are engaged in an evolving, dynamic process which must be adaptable.
- Use caution with public hearings. They should have very tight parameters and those who will have to pay the costs of recovery should carry more weight than those who don't.
- Goals must be clearly identified. An ecosystem approach is preferred, based upon good scientific information.
- Don't rush. Allow time for 'buy-in' and possibly legislation will not be required.
- Public education is essential to effective implementation.

Endangered Species Public Consultation

Whitehorse, Yukon, May 24, 1995

Report by Jillian Lynn-Lawson, Renewable Resources, Yukon.

1. "Vulnerable" category (preventive/low but significant risk) must be maintained. Important for early alert for species such as grizzly and polar bears.
2. A National List is key. Must provide for species, sub-species and populations endangered/threatened/vulnerable in regions of Canada.
3. Significant concern about the level of discretion in preamble on Page 20 of "Blue Book". Why are incentives and commitments not negotiated among jurisdictions at the outset and legislation based on resulting agreement rather than on a species by species basis later? Why not have provinces and territories sign on individually to a higher standard? If one or two jurisdictions choose not to they will have to face their constituents and national, perhaps international censure.
4. Why is Page 20 less binding than the RENEW obligation to prepare recovery plans within 12 months of species designation as endangered?
5. Jurisdiction must be accountable.
6. Laws binding federal resource/land managers key in the north where DIAND owns 99% of the land and resources. Particularly effective management and maintenance of ecosystems to prevent threatening and endangering species/sub-species/populations.
7. Concern about restoration/maintenance of ex-situ facilities such as Wainwright and Elk Island.
8. Is there going to be funding allocated for incentives, ex-situ facilities, etc. to implement this legislation?
9. Is there going to be the political will even among federal agencies to ensure that this legislation is a priority, and takes precedence over mining, forestry, land-use legislation?
10. Will the federal government increase rather than decrease funding to the appropriate agencies such as Canadian Wildlife Service to ensure effective coordinated implementation of this proposed legislation? (Recommendation of Wildlife Directors nationally).

11. On page 18, merely "having the capacity" to list species, prepare restoration plans, to legislate, to invoke the measures set out in Appendix A is inadequate.
12. A legislative "template" for Provinces/Territories could be prepared.
13. Habitat Protection: Legislative capability and the commitment to action is key.
14. Ecosystem Management: Resource management must be improved before species and ecosystems become "at risk". Effective endangered species legislation "with teeth" may galvanize action on preventive management.
15. How will proposed legislation improve "pro forma" performance as exists under RENEW? Progress must be mandatory. Funding required.
16. Concerns regarding COSEWIC:
 - COSEWIC works, why fix it?
 - Definition of species runs counter to concept of biodiversity. Wrong direction for Canada. Little left on list by proposed criteria;
 - National List: All of Canada, as parts of the whole, is critical. Status of national list much higher;
 - COSEWIC works, while RENEW needs work. Yet focus in "Blue book" is on change to COSEWIC not what comes after, action and accountability for RENEW;
 - MAJOR concern about political/public input to COSEWIC process which may make designations political rather than scientific, derogating from the credibility of COSEWIC and the proposed process as a whole. Blocking designation of species for political/economic reasons, a probable outcome of public review of designations, is unacceptable;
 - The basic work on status of species will still need to be done by a body like the existing COSEWIC which represents each region;
 - Concern that federally appointed 5-9 member COSEWIC will not reflect regional issues effectively, especially the north, and run counter to the strongly voiced recommendation to include species, sub-species and populations occurring regionally;

17. Review of Yukon First Nations Final Agreements (YFNFA) essential. Requires stringent Consultation as defined in YFNFAs, otherwise ultra vires. Species listing may also be subject to First Nations Consultation but within parameters of ecological defensibility.
18. Yukon Conservation Society - Coalition concerns:
- Discretionary powers inadequate. Mandatory action is essential. Must develop recovery plans, protect habitat and prohibit hunting (within context of YFNFAs);
 - Economic arguments suspect. Choosing to allow demise of species unacceptable. Habitat protection and hunting prohibition need not be costly;
 - Onus for action on endangered/threatened species should be on government, not left to environmental non- government organizations;
 - Biodiversity an obligation. Populations and sub-species key to genetic diversity. Should appear on a comprehensive national list and be subject to appropriate, mandatory measures;
 - Existing "Vulnerable" category must be maintained;
 - Federal government must be accountable for ensuring protection of endangered/threatened/vulnerable species, sub-species and populations. The Department of Indian and Northern Affairs must be held accountable for ecosystem maintenance in the north.
19. Endangered Spaces/Ecosystems: The concept of "suites" of species has been completely missed in this proposal.
20. Ensure inclusion of all types of species. Organisms/ microorganisms may be key to ecosystems and human wellbeing.

Endangered Species Public Consultation

Prince Albert, Saskatchewan, May 25, 1995

Report by Ian Montgomerie, Praxis, Edmonton.

Attending: Gerald McKeating, Regional Director, Environmental Conservation Branch, Prairie and Northern Region, Edmonton. **Facilitator:** Ian Montgomerie, Senior Associate, Praxis, Edmonton.

Key Themes (Not in order of Priority)

- 1) The complete process for listing species must be clearly defined and supported.
- 2) An appeal process for private landowners is necessary.
- 3) The traditional knowledge and land uses of aboriginal peoples must be respected.
- 4) Cooperation among aboriginal peoples would assist in understanding issues.
- 5) Public education is required for the successful protection of endangered species and should be publicly funded.
- 6) Strong federal legislation is needed to encourage responsible behaviour.

Points of discussion

Mechanisms for Listing Species

- There is a lack of specific data on which to base decisions. The proposal is unclear as to how the process is to be initiated to get a species on the list. A fund should be established to assist in establishing baseline data and identifying species which should be investigated.
- A distinction should be made between 'rare' and 'endangered' species. Some species may be scarce because the habitat is not their preferred type, or simply occur in small numbers (e.g. wolverines).
- An appeal process should be established to assess impact on private lands. Traditional uses of the land must be considered. Land users and these species have often co-existed for centuries.
- There needs to be a mechanism for information to flow from smaller groups to COSEWIC. However, there may be too much volume for COSEWIC to do an effective job and may be overrun by Environmental Non-Governmental Organizations (ENGOS). COSEWIC must avoid the influence of pressure groups.
- An ecosystems approach is required. Policies of prevention are cheaper than recovery programs.

Jurisdiction

- Provinces may be reluctant to act if the affected industry is providing revenues. The federal government may be more objective.
- The first responsibility of companies is to their shareholders. Strong federal legislation is required to ensure that companies act responsibly.
- There is a need to get more traditional knowledge on COSEWIC.
- Co-jurisdiction agreements with first nations organizations similar to the co-management boards in the North could be considered.

Land Access

- There should be a recognition that industry has learned to be better stewards, viewing themselves as temporary users. They need to know the rules and they will comply.
- Aboriginal peoples need access to private lands that were once covered by treaty to gather traditional medicines. Aboriginal peoples also need to clarify how treaty rights mesh with access to endangered species for traditional uses.
- Greater public education is required to understand the issues. There needs to be greater dialogue and mutual education so that issues are better understood by both sides. However, the time line for the legislation is too tight to allow for any public education on endangered species.

Concluding Comments

- The legislation needs to have teeth to effectively protect threatened species.
- The proposal does not address impact of exotic species on native species.
- Federal legislation and national listing will cost provinces and territories a lot of money; may be seen as 'off-loading'. Consideration should be given to who will adjudicate and fund interprovincial arrangements.
- Federal legislation is needed and will have the support of industry, but only if it is enabling and not punitive.
- Public funding is required for public education. Existing non-governmental organizations should be used.
- Scientific information must be transferred to companies and private landowners to help them make informed decisions.

Endangered Species Public Consultation

Edmonton, Alberta, May 30, 1995

Report by Ian Montgomerie, Praxis, Edmonton

Registration: Attendance of about 80 people

Key themes: Not in order of priority

1. Strong legislation is required if the federal government is to press the provinces and territories to act.
2. Legislation should not be punitive; should encourage positive initiatives.
3. The rights and efforts of landowners and leaseholders should be respected.
4. Coordination is required nationally, internationally and between agencies.
5. Effective protection must take an ecosystem approach.
6. Funding of wildlife protection is an appropriate public expenditure.
7. Public awareness is required for any sustained change in behaviour.

Gerald McKeating, Director, Environmental Conservation Branch, Environment Canada, Edmonton, welcomed participants and indicated the purpose of the consultations was to solicit the input of concerned stakeholders to enable the federal government to prepare legislation in the fall.

Doug Cuthbert, Wildlife Division of Alberta Environmental Protection, read a statement from the Government of Alberta. The text of the statement is as follows:

Statement of the Province Respecting Endangered Species Legislation

"The Province of Alberta, in cooperation with other provincial and territorial governments, has participated in the development of a draft framework for a National Approach to Endangered Species Conservation in Canada.

"The Province supports the development of a framework and will continue to provide assistance to refine it. However, the Province recently learned that Environment Canada has a separate independent process underway to develop federal endangered species legislation before the framework is endorsed by Canada's Wildlife Ministers.

... continued

"Obviously we are very disappointed and concerned that Environment Canada has chosen to pursue the establishment of national endangered species legislation in isolation of provincial governments and outside of the agreed national framework development process.

"We urge Environment Canada to develop a national framework first, and then, as will be the case for the provinces and territories, develop whatever legislation is required to carry out the agreed national framework approach."

Chuck Dauphiné, Canadian Wildlife Service, Ottawa presented an overview of the major components of the proposed National Approach. Following the presentation, questions addressed the difficulty in getting provincial cooperation; enforcement; the time frame for including consultation results in the deliberations of the endangered species task force; protection of habitat within Special Places 2000; and federal-provincial cooperation on other environmental initiatives.

Points of discussion

Enforcement

☺ Once a recovery plan is established by a province or territory, the proposed national approach does not specify to whom that plan is to be submitted or how it is to be evaluated, particularly if the recommendation is for no action.

☺ Two points of view on enforcement prevailed. One, that Canadian legislation should be as strong as the U. S. law regarding the need for effective penalties and mandatory legislation across the country, with clear prohibitions against the taking of any endangered species. Strong legislation is needed to control the bad actors and to support positive initiatives.

The second view was that excessive legislation would be counter-productive. The proposal was too heavy-handed. Clear policies and objectives should be decided before penalties are put in place.

☺ Any legislation should be enabling, allowing for proactive land management and changing ecosystems.

☺ A national biological inventory is required for effective identification and protection of endangered species.

Property Rights

☺ The rights of property owners must be respected. Stopping all activity or any interference with protected species is too much.

☺ Compensation should be provided for any affected landowner or leaseholder.

☺ Leases on crown lands should be subject to public scrutiny.

☺ A cooperative approach is required in the legislation, one which builds consensus rather than taking an adversarial approach.

☺ The efforts of landowners should be recognized and respected.

Jurisdiction

- ☺ There must be a coordination between jurisdictions, both within Canada and internationally. Strong federal laws are required to provide this coordination.
- ☺ Local success stories and failures must be recognized. Greater coordination is needed to ensure that we learn from experience.
- ☺ Federal legislation must spell out provincial roles and responsibilities. The law needs teeth to plug provincial loopholes.
- ☺ The effectiveness of the legislation is threatened by weak administrators who are afraid to make hard decisions.
- ☺ There is a need for inter-agency discussion on broad issues such as population growth and management of human activity. Future generations will place higher value on actions to protect species.

Needs of Species

- ☺ It is impossible to separate species from their habitat. Legislation must take an ecosystem approach.
- ☺ Focus must be on all species; attention has been paid only to large birds and mammals. Small species fall through the cracks. Legislation must also deal with sub-species and populations.
- ☺ Some species thrive in human company. We have made mistakes by providing more protection than is required.
- ☺ The proposal only deals with species in trouble. Proactive policies are needed to prevent species getting into trouble.
- ☺ Legislation is the last step. It should follow research, education and cooperative initiatives.

Ecosystems

- ☺ Ecosystems are paramount. All species, humans too, depend on clear air, water and soil.
- ☺ The Goals of the World Wildlife Fund for protection of endangered spaces should be goals of this legislation.
- ☺ Species recovery programs should be based on ecosystems. We must save NOW to have critical habitat in the future.

Aboriginal peoples

- ☺ Need cooperation with aboriginal peoples and their traditional knowledge.
- ☺ Aboriginal people should not be allowed to harvest if wildlife is endangered.
- ☺ Aboriginal people should be employed as part of the enforcement.

Concluding comments

- ☺ Should not be automatic habitat use restrictions. Need recovery plan first.
- ☺ Private landowners should have the right to do what they want on their land. What if your neighbour wanted to dump toxic waste on his land?

Report on Public Consultation:

A National Approach to Endangered Species Conservation in Canada.

Part Three: Briefs and other written comments.

A National Approach to Endangered Species Conservation in Canada, a discussion document, was released to the public April 11, 1995, and from May 1 to May 30, 1995, with the assistance of provinces and territories, 14 public consultation workshops were held in cities across Canada to discuss the proposals described in the document.

This report summarizes the input received and is divided into four parts.

Part Three presents a summary of briefs or other written comments submitted at, or following, the 14 workshops. Complete copies of any brief or other written comments listed in this report are available on request.

Comments made by individuals who responded to questions in part four of the discussion document, A National Approach to Endangered Species Conservation in Canada, are summarized in **Part Four**.

Briefs and other written comments on

A National Approach to Endangered Species Conservation in Canada
(Listed in geographical order, from West to East.)

Yukon and Northwest Territories

Yukon Wildlands Project, Whitehorse, Yukon.
Gwich'in Renewable Resource Board Inuvik, Northwest Territories.
Ecology North, Yellowknife, N. W. T.

British Columbia

Nlaka'Pamux Nation Tribal Council, Lytton, British Columbia.
Sandra Parsons, Port Coquitlam, British Columbia.
Vancouver Humane Society, Debra Probert, Vancouver, B. C.
Barbara Parsons, Penticton, B. C.
Burke Mountain Naturalists, Elaine Golds, Coquitlam, B. C.
North Cariboo Share Our Resources Society, Quesnel, B. C.
Diane Hansen, Burnaby, B. C.
Interfor, International Forest Products Ltd., Vancouver, B. C.
Terminal Forest Products Limited, Richmond, B. C.
B. C. Gas Utility, Vancouver, B. C.
West Coast Environmental Law Association, Vancouver, B. C.
British Columbia Forum for Conservation Biology, Christopher Guglielmo, Jordan Rosenfeld
and Phillipa Shepherd, Simon Fraser University, Vancouver.
Lignum Limited, Bill Bourgeois, Vancouver, B. C.
I. W. A.: Industrial, Wood and Allied Workers of Canada, Vancouver.
Boyd Family: John & Elizabeth; Alex & David; Fraser, Vancouver.
Coalition for no whales in captivity, period. Vancouver, B. C.
Duncan Baynes Ltd., Deer Creek Ranch, Hanceville, B. C.
Ecotrust Canada, Ian Gill, Vancouver, B. C.

Alberta

Canadian Parks and Wilderness Society, Edmonton, Alberta.
Western Canada Wilderness Committee: Ken Barth, Edmonton, Alberta
Daishowa-Marubeni International Ltd., Peace River, Alberta.
Grasslands Naturalists, Linda Canham, Medicine Hat, Alberta
Bishop Savryn School Environment Committee, Edmonton, Alberta.
Bob Blaxley, Calgary, Alberta.
Vegetarians of Alberta Association, Edmonton, Alberta.
Canadian Cattlemen's Association, Calgary, Alberta.
Western Stock Growers Association, Calgary, Alberta.
CAPP: Canadian Association of Petroleum Producers, Calgary.
Agricultural Service Board, Pincher Creek, Alberta.
Albertans for the Ethical Treatment of Animals, Tom Reece,
Univ. of Alberta Postal Outlet, Edmonton, Alberta.
Bruce Collingwood, M. L. A., Member, Alberta Legislature

Saskatchewan

Prairie Pools Inc.,

Alberta Pool, Saskatchewan Wheat Pool, Manitoba Pool Elevators.

PFRA, Prairie Farm Rehabilitation Administration, Regina, Sask.

Jim Elliott, Regina, Saskatchewan.

Manitoba

Manitoba-Saskatchewan Prospectors and Developers, Flin Flon, Man.

Manitoba Museum of Man and Nature, Winnipeg, Manitoba.

Manitoba Metis Federation Inc., Winnipeg, Manitoba.

Gordon McPhee, Dauphin, Manitoba.

Oak Hammock Marsh Interpretive Centre, Oak Hammock Marsh.

Ontario

Canadian Environmental Law Association, Toronto, Ontario.

Canadian Museum of Nature, Erich Haber, Ottawa, Ontario.

Ontario Cattlemen's Association, Guelph, Ontario.

Ontario Environmental Farm Plan

ARMITAGE, Dave; BOWEN, Darlene; DAYNARD, Terry; DORIS, Peter;

KELLY, Ken; MORRIS, Tony; WILLSON, Jeff

COSEWIC, Committee on the Status of Endangered Wildlife in Canada,

Christopher C. Shank, Ottawa, Ontario.

The Mining Association of Canada and the Prospectors and Developers Association of Canada, Ottawa, Ontario.

Canadian Forestry Association, Ottawa, Ontario

The National Council of Women of Canada, Ottawa, Ontario.

Ian Attridge, barrister & solicitor, Toronto, Ontario.

National Agriculture Environment Committee, Ottawa, Ontario.

World Wildlife Fund Canada, Sarah Climenhaga, Toronto, Ontario.

Endangered Species Coalition, Ottawa, Ontario.

Québec

Grand Council of the Crees (of Québec): Hunting, Fishing and Trapping Coordinating Committee

Naskapi Native Party, Montréal, Québec

Canadian Pulp and Paper Association, Montreal, Québec

Association des biologistes de Québec, Montréal, Québec.

UQCN: Union québécoise pour la conservation de la nature, Montréal.

Normand Gariépy, photographer, Sainte-Anne-de-Sorel, Québec.

Nova Scotia

Nova Scotia Trails Federation, Halifax, Nova Scotia.

Paul-Michael Brunelle, Halifax, Nova Scotia.

Karen Beazley, Halifax, Nova Scotia.

Charles Haines, Halifax, Nova Scotia.

Part Three: Briefs and other written comments.

Yukon Wildlands Project, Whitehorse, Yukon

The Yukon Wildlands Project supports the Canadian government's initiative in developing legislation to protect endangered species.

The federal government should establish minimum standards to be met or exceeded by provincial/territorial legislation. Legislation must be mandatory, not discretionary.

Emphasis of the Act should be on prevention over mitigation; advance review of projects potentially affecting endangered species is essential;

Low risk species, as in COSEWIC "Vulnerable" category, need to be listed;

Prohibition on killing of endangered species and on destruction of critical habitat are essential; Critical habitat should be protected on all lands, regardless of ownership. Assistance should be provided to private landowners.

Gwich'in Renewable Resource Board Inuvik, Northwest Territories

Cursory mention of aboriginal input is not backed up with any concrete steps or measures. It is necessary to outline what the proposed steps are for incorporating aboriginal and co-management perspectives and knowledge into the process. Our concern is that the intent and conditions of land claim agreements are met in this proposed legislative framework. This issue is too important and complex to rush through in such a limited time.

Definition of range jurisdiction should include co-management boards, which have specific powers concerning wildlife and endangered species under the terms of land claims agreements.

Co-management boards should have input in the development of criteria, listing process and recovery plans. Local experts in specific areas must be used in determining the status of species.

Eliminating the present Canadian category of "vulnerable" reduces the ability to identify species at risk.

There should be one Canadian list, with responsibility for recovery and management designated to the responsible jurisdiction.

Part Three: Briefs and other written comments.

Ecology North, Yellowknife, N. W. T.

Ecology North is a non-profit society dedicated to appreciation and protection of the natural environment in the Northwest Territories.

The best prevention is a proper attitude toward the natural world.

Canada should retain the COSEWIC list process, but give it legal force. National list should include sub-species and populations. Assessment should be based on international standards and include a "low risk" category. There must be binding legislation requiring all governments to list species and develop a recovery plan.

Should be mandatory prohibition against harming a listed species.
Federal government should have power to protect a listed species
if a province is not doing so.

Protection on private and treaty lands should be encouraged through education. Legislation should seek harmony, not intrusion. Completing network of parks and protected areas will help species.

Nlaka'Pamux Nation Tribal Council, Chief Robert Pasco, Lytton, British Columbia

The Nlaka'Pamux culture is dependant upon the environment and the resources it produces.
..would like to see a better description of what aboriginal peoples special role is to be in this approach.

Will the Nlaka'Pamux be given an opportunity to undertake field work and conduct projects related to endangered species in (their) territory? Will there be funds set aside?

What mechanism is in place to inform the Nlaka'Pamux about a species status within (their) territory? Some management strategies may impact aboriginal rights to harvest animals and plants ... consultation is key.

Sandra Parsons, Port Coquitlam, British Columbia

One year to submit a species management plan ... seems rather long.

Once programs are implemented, how can we be assured they are being monitored?

Part Three: Briefs and other written comments.

Vancouver Humane Society, Debra Probert, Vancouver, B. C.

Vancouver Humane Society congratulates Sheila Copps for taking the initiative in this difficult matter ..urge the government to waste no time in implementing federal endangered species legislation.

Protests trophy hunting of grizzly bears in British Columbia.
Concerned about non-enforcement of poaching laws.
Canada needs a comprehensive wildlife conservation strategy.

Barbara Parsons, Penticton, B. C.

Legislation must be compulsory and entered into jointly with the provincial governments. It is important to have a time frame in which to implement the legislation and recovery programs.

It is important that the taxpayer sees that every effort is being made to keep costs down.

Suggestion for cost effectiveness. Once a recovery plan is implemented...use local people - sportsman's clubs, naturalist groups, Sierra Club, etc; to do much of the footwork.

Burke Mountain Naturalists, Elaine Golds, Coquitlam, B. C.

We are a group of 350 people. We strongly urge the federal government to enact endangered species legislation.

As an affluent, civilized nation it should be an embarrassment to us that we do still not have such legislation.

In general, we support the program outlined in the discussion document. We are concerned that actions and recovery plans will be too slow.

Legislation permitting a "stop work" order pending further study for a set period would be helpful.

Public education will be a vital part of this program.

Legislation is urgently required federally and provincially. Such legislation must have the power to affect municipal development and zoning procedures.

Part Three: Briefs and other written comments.

North Cariboo Share Our Resources Society, Quesnel, B. C.

Nobody wants to have any species of Canadian wildlife become extinct. At the same time, however, it is of crucial importance to have in the legislation a notwithstanding clause to protect the livelihood of Canadians and the social fabric of communities of people from the extravagant claims of some environmental groups. It is their unswerving purpose to isolate from human activity as much landscape as possible ... with total disregard to the livelihood of resource dependent people. The Spotted Owl fiasco in the Pacific Northwest and now in southern British Columbia is a classic example of this exploitation by environmental groups.

The fact is that all our wildlife species are far more versatile than environmentalists generally give them credit for and our forest ecosystems are far more resilient following violent disturbance by either fire, wind, insects or logging than environmentalists give them credit for.

Where species become threatened by human activity, the cause of the problem must be clearly identified and specifically dealt with. For example, grizzly bears are not endangered by logging in their habitat. Their problem is bullets, not loggers.

Also conservation laws must be equally applied to all ethnic groups. There must be no special status for exploitation.

Diane Hansen, Burnaby, B. C.

Canada's lack of legislation to protect endangered species is a national shame.

The Act should have teeth, with stiff penalties for violation. Priority should be given to wildlife over plants.

Demand prior assessment of projects which might affect endangered species.

The federal government should develop a population policy for Canada ... directly related to environmental sustainability. Immigration levels into Canada are still far too high and should be reduced dramatically.

Part Three: Briefs and other written comments.

Interfor, International Forest Products Ltd., Vancouver, B. C.

We agree that the overall direction should be "to prevent any species becoming extinct as a consequence of human activities." The achievement of this goal must be balanced with our needs as a society and our ability to fund the required programs.

It is our understanding that the B. C. government is considering endangered species legislation. How will the two governments ensure that there is no overlap or duplication? Legislation must respect constitutional realities, specifically that provinces have responsibility for most wildlife and its habitat.

There must be recognition of the constitutional and legal rights attached to private land. Place emphasis on prevention rather than punitive legislation. Application of legislation should be through government action, not via citizen suits.

The concept of fair compensation for private property owners and legal users of public land must be established. Listing of communities or activities tied to species could have negative impacts on the forest industry. There needs to be recognition of increasing demand on all resources from population growth. Programs need to be focused on value for effort. The assessment of social and economic factors must be written into the legislation.

Terminal Forest Products Limited, Richmond, B. C.

Scientists tend to narrow their thinking to their own particular field and the environmental activists adhere to the preservationist line. The combination of the two persuasions will lead to a one-sided and distorted opinion. The inclusion of some of the resultant recommendations into law would provide another tool for the preservationist groups to obstruct and eventually destroy our industry, our economy and our resource based communities.

We recommend that a socio-economic evaluation be included with any study, and that laws dealing with habitat be administered under the jurisdiction of the provincial governments.

B. C. Gas Utility Ltd., Vancouver, B. C.

We support a consistent national set of guidelines that each province has to adhere to. We feel that the legislation must be flexible enough to accommodate development if adequate protection measures are in place.

We believe that a consistent federal policy should also provide the provincial agencies with empowerment to administer the directives of the legislation. This will not only streamline the

Part Three: Briefs and other written comments.

West Coast Environmental Law Association, Vancouver, B. C.

"The proposal gives too much discretion to each jurisdiction. The agreed set of minimum standards should include mandatory listing of species at risk, mandatory prohibition of killing or harming listed species and mandatory protection of critical habitat of these species."

"We recommend that the COSEWIC listing process be retained but that it be given legal force. ... sub-species and isolated populations must also be protected...that the public be given the right to request that a species be listed."

Require the preparation of a recovery plan for all listed species.
Protect critical habitat of endangered species, regardless of location.

Legislation must be mandatory.
Establish conservation data centres in all jurisdictions.
Continue to promote biodiversity worldwide.

British Columbia Forum for Conservation Biology, Christopher Guglielmo, Jordan Rosenfeld and Phillipa Shepherd, Simon Fraser University, Vancouver, B.C.

Details of the proposed listing and regulatory mechanisms and criteria are on the whole good. However, proposed legislation is flawed because the wording is clearly discretionary. Unless this is changed the legislation may be largely ineffective.

The role of habitat conservation is not given adequate priority. We also strongly recommend that legislation provide for listing of endangered ecosystems.

Emphasize prevention by managing species potentially at risk, but not yet endangered.

Adopting IUCN criteria means a crisis management approach .. the present COSEWIC vulnerable category must be retained. Sub-species must also be protected.

Recovery of a species should be considered unfeasible when a panel of independent conservation biologists agrees the species is unrecoverable regardless of effort or expense.

Loss of species is a symptom of a deteriorating environment.

Part Three: Briefs and other written comments.

Lignum Limited, Bill Bourgeois, Vancouver, British Columbia

There is no need for a national law related to endangered species in Canada. What is needed is a coordinated approach based on provincial policies and legislation. Each province should have legislation that identifies a clear intent to endangered species conservation.

A scientific advisory committee should make recommendations to specific jurisdictions and not be the decision makers. Standard definitions and categories should be adopted by all jurisdictions.

The time frame for action on recommendations should be at the discretion of the jurisdiction and not fixed at 12 months.

An ecological basis should be fundamental to the approach.

I. W. A.: Industrial, Wood and Allied Workers of Canada Vancouver, British Columbia

Many of I.W.A. Canada's 50,000 members work every day in our forests or near ocean shores and inland waters. They have a deep appreciation for the vast diversity of plants and animal species.

Canadians cannot afford single-issue solutions to complex problems of species protection. A 1990 injunction in the U.S. led to a shutdown of mills and plants, massive layoffs and economic ruin for many forest-based communities.

The forest industry in Canada supports 300 communities where the majority of base income comes from forestry. We are concerned that endangered species legislation will severely impact resource-based communities and eliminate jobs in resource industries. Billions of dollars could be lost to our economy as a result of recovery plans.

The alternative lies with better conservation measures recently introduced in the provinces and by industry. We urge the federal government to slow down the process. There should be broader consultation with Canadians prior to introducing legislation.

Part Three: Briefs and other written comments.

Boyd Family: John & Elizabeth; Alex & David; Fraser, Vancouver.

Three generations of the Boyd family of Vancouver endorse the recommendations of the Sierra Legal Defence Fund calling for prompt action to establish federal endangered species legislation that would protect endangered, threatened and vulnerable species and identify the habitat of listed species.

Coalition for no whales in captivity, period. Vancouver, B. C.

We urge the Canadian government to create a strong Endangered Species Act ...not only list the species, but also protect the biodiversity of its natural habitat.

In order to protect marine mammals it is imperative that a Canadian Marine Mammal Protection Act be developed as part of the Endangered Species Act. Marine mammals in captivity must also become legally protected.

**Duncan Baynes Ltd., Deer Creek Ranch, Hanceville, B. C.
Member of Share Cariboo Chilcotin Resource**

Species inventory must ask realistic questions, such as: Does the species have known value (or detriment)? Does its loss foretell some looming disaster?

Virtually all who work the land for a living care very much for wild species. We show and pay for this concern in many ways. On our ranch, moose and deer consume substantial hay (thousands of dollars) over hard winters. We don't begrudge this, it goes with the job. We must re-establish public trust in our stewardship of crown resources. With today's overspent treasury, we are the logical custodians of these resources.

Ecotrust Canada, Ian Gill, Vancouver, B. C.

National Approach is too discretionary ... protection must be mandatory. Recovery programs must be mandatory in all cases.

The listing process is much too narrow ... should apply to sub-species and distinct populations. Legislation must cover all types of land with equal force. Stiff penalties must be mandatory.

Part Three: Briefs and other written comments.

Canadian Parks and Wilderness Society, Edmonton, Alberta

Writing to express support for the proposed endangered species legislation. All species must be incorporated.

Listing should be scientifically-based.

Recovery plans should be ...ecosystem-based.

The laws that are drafted must have some real power.

Status of endangered species must be regularly reported to the public.

Western Canada Wilderness Committee: Ken Barth, Edmonton, Alberta

Canada signed the 1992 Convention on Biological Diversity at the Earth Summit. That convention calls on all nations to pass legislation protecting endangered species.

Canadians spend over \$8 billion a year on wildlife related activities, generating over \$2 billion in tax revenues and creating 200 000 jobs.

There must be federal legislation that requires ... mandatory protection of species and the habitat they need to survive. Any development projects should be assessed in terms of the impact on endangered species to avoid adverse impacts.

The proposed listing process is flawed. Canada should make use of the COSEWIC listing process as it now stands, but give it the legal backing that it requires. ... include sub-species and distinct populations. A category for low risk species should also be created.

Response actions should include identifying habitat requirements and the preparation of recovery plans by a scientific committee. There should also be mandatory prohibition against harming or killing a listed species or destroying its habitat.

Recent studies have shown that within 50 years there will be no Grizzly Bears inhabiting Banff National Park. Canada needs effective Endangered Species Legislation now!

Part Three: Briefs and other written comments.

Daishowa-Marubeni International Ltd., Bob Wynes, Forest Resource Coordinator, Peace River, Alberta

We support the mandatory development of a listing process, development of recovery plan, and compliance to recovery plan.

Consistent criteria must be used on all jurisdiction lists.

Listing of a species should not result in the automatic protection of the species and habitat.... appropriate actions need to be assessed in the recovery plan. Lack of information about a species must not be grounds for listing.

Recovery plans must address the real problems affecting a species; if pesticide use is the limiting factor, habitat protection should not be mandatory. Cost of implementing this program cannot be placed entirely on the shoulders of industry.

How will legislation address aboriginal rights?

Grasslands Naturalists, Linda Canham, Medicine Hat, Alberta

Grasslands Naturalists emphasize that we are requesting strong federal involvement in any endangered species legislation. Emphasis on preventing species from becoming threatened is commendable. However, the question of funding is not addressed.

It should not be up to the discretion of different government levels as to whether they apply the necessary prohibitions and authorities. These should be federally required across Canada.

National legislation is required to set standards, recovery plans for listed species and their habitats, prohibition of the knowing destruction of listed species and their critical habitats and penalties for failing to comply.

Bishop Savryn School Environment Committee, Edmonton, Alberta

Endangered species protection must be obligatory.

All essential elements of law should be mandatory.

Listings should include sub-species and distinct populations.

Final authority should be the federal government.

Schools, other education outlets can assist through volunteer work.

Part Three: Briefs and other written comments.

Bob Blaxley, Calgary, Alberta

Important that COSEWIC operate at arm's length from government, business and other powerful lobbies. Members (of COSEWIC) should not only be scientists. Ethical, philosophical and societal issues will arise in the process.

If it will cost hundreds of millions of dollars to save endangered plants and animals then we should spend it; we spend far more on roads, power plants, pipelines and the like.

Issues such as the inviolability of private land, and power disputes between different jurisdictions must take a back seat to preservation and restoration if we are to succeed in preserving and passing on our splendid natural inheritance.

Vegetarians of Alberta Association, Edmonton, Alberta.

Strongly endorse the desperate need for Endangered Species Act.

Existence of the industrial society is the cause of species decline. All living systems are interdependent ... the loss of one species means the loss of others.

Canada made international commitments ... Earth Summit 1992.

Canadian Cattlemen's Association, Calgary, Alberta.

Cattle producers own and manage large areas of land that remain in their natural state and provide important habitat for many species.

Strongly endorse sustainable development to ensure conservation of natural resources, including biodiversity and wildlife.

Producers oppose any further erosion of private property rights for purpose of protecting endangered species.

There has been no consideration of potential negative impacts on resource users nor of ways to mitigate impacts. Concern about costs to producers of legislated restrictions on land use and management procedures.

Insufficient opportunity has been given to all sectors to develop their positions and bring them forward to government. Agricultural community has been left out of the process of developing this strategy.

Part Three: Briefs and other written comments.

Western Stock Growers Association, Calgary, Alberta

Cattle production is both land intensive and, with modern sustainable management techniques, land protective. We provide both food for humans and habitat and food for wildlife. It seems to us that the most important questions concerning the Endangered Species Act aren't being asked. Is endangered species legislation essential for Canada? Will it make any significant difference to the global situation if we attempt to save 237 species when millions may be lost in the Amazon region? ...Canadian authorities have lost perspective.

This proposed Act provides no protection for an individual's rights. Whatever mechanism is put in place to protect endangered species must also protect the rights of the landholders. Zimbabwe's CAMPFIRE program did that and gave vested interest in elephants to landowners. Since 1992, elephant numbers in Zimbabwe have jumped from under 5,000 to over 50,000.

Western Stock Growers Association envisions a system for protecting endangered species that is based on a firm foundation of landholder support ... and proceeds as follows:

1. Land goals:

maintain productive capacity through sustainable development; management of habitat for both domestic livestock and wildlife; control access to such lands to limit disturbance to all species, and empower landholder to make appropriate management decisions.

2. People goals:

allow local stakeholders a voice in the process;
maintain necessities of life, and quality of life.

3. Financial goals:

determine all direct and indirect costs of protection; determine all economic impacts and benefits, and prepare a budget to show how and by whom the action plan will be paid.

4. Global goals:

action plan must further global goals of protecting endangered species and species diversity, including production of food here in exchange for sustainable, environmentally compatible development in areas at risk, such as the Amazon rain forest.

5. Government goals:

create a regulatory environment that facilitates flexible responses to endangered species management and avoids coercion of landholders; provide integration and funding of the foregoing processes; facilitate management by landholders.

Part Three: Briefs and other written comments.

CAPP: Canadian Association of Petroleum Producers, Calgary, Alberta.

Question need for new endangered species legislation. CAPP believes stronger links to existing federal and provincial legislation, and refining COSEWIC, with appropriate commitment, will achieve the same result.

CAPP recommends that the federal government review the need for new legislation. No new (endangered species) legislation should be passed unless the infrastructure to administer the legislation is identified and funding mechanisms have been established.

If federal legislation is to be developed, it must respect provincial/territorial jurisdiction. The federal government should assume a role of coordinating a national strategy which would be managed "on the ground" by provinces and territories.

Economic implications, both public and private, must be considered.

CAPP recommends that funding for a national strategy should come from existing revenues. No new taxes or other revenue sources which draw from the economy should be employed.

Listing process should establish priorities for management of endangered species, assess relative value of species to assist in prioritizing their value to Canada; guarantee rights of appeal. Protection and recovery initiatives must be tied to finite financial/manpower resources.

Include provisions to enable compensation where land rights, for which a fee has been paid, are diminished or eliminated.

Agricultural Service Board, Pincher Creek, Alberta

Legislating species conservation. Is this necessary? In the U. S. such legislation has been in place for 20 years ... results are unimpressive. If a particular species is "protected", what will be the impact on the rest of the ecosystem it inhabits? Several situations exist in our area where the needs of livestock, rangeland and wildlife are all managed by the rancher (the original environmentalist) as part of an integrated plan.

A committee to designate species at risk would have to include representatives from agriculture, business, environment, forestry and wildlife ... to acknowledge how their recommendations could affect landowners economically.

... continued

Part Three: Briefs and other written comments.

Agricultural Service Board, Pincher Creek, Alberta ... continued

Many landholders voluntarily encourage wildlife and biodiversity, at their own expense. Work with private landholders, don't force them to comply through legislation. In a time of fiscal restraint, it would be foolish to create a whole new bureaucracy that attempts to legislate the vision of species diversity held by segments of the population who have no economic stake in land management.

Albertans for the Ethical Treatment of Animals, Tom Reece, Univ. of Alberta Postal Outlet, Edmonton, Alberta

Approach has too many loopholes. Protection should be mandatory. Subspecies and distinct populations should be eligible for the national list. imperative to include low risk species so measures can be taken ... criteria must be the same for all jurisdictions. If provinces do not quickly take measures, the federal government should quickly assume responsibility. Under no circumstances should the recovery of a species ever be considered not feasible.

Landowners should be given education, assistance, recognition and tax breaks to protect listed species. Involve schools re: education and source of volunteers.

Bruce Collingwood, M. L. A., Member, Alberta Legislature Liberal Critic for the Environment

It is imperative that the federal government adopt legislation that will ensure the protection of endangered species. Some mechanism is required to ensure that endangered species are properly protected at the provincial level.

It is important that not only species, but also subspecies and distinct populations should be eligible for the national endangered list. (They) are an important source of biological diversity.

We still need a further category ("vulnerable" under COSEWIC) to alert public attention to species that could be at risk.

On private land, ... we cannot expect the individual to bear an unreasonable financial burden to protect a species, when this benefits all society. There should thus be provision to compensate landowners for loss of production resulting from a recognized program for species protection.

Part Three: Briefs and other written comments.

Prairie Pools Inc., Alberta Pool, Saskatchewan Wheat Pool, Manitoba Pool Elevators.

The three prairie Pools support the principles of sustainable development and, within that context, the conservation of endangered species. ... attention must be paid to the long-term effects of both environmental and economic decisions.

The economic impact of mandatory conservation measures must be assessed prior to implementation of any recovery plans. Stakeholder groups directly affected must be involved in development and implementation of environmental policy.

Approach to endangered species conservation must complement, rather than hinder or invite duplication of, many successful conservation initiatives of private and public sector interests.

Extension of regulatory pressures to private property ... will not automatically be accepted by the agriculture industry. Compensation and incentive programs are critical to the success of conservation measures.

The provinces must maintain their current responsibilities for wildlife management under the proposed national approach. The federal government's role in areas of provincial jurisdiction must be one of facilitator and coordinator.

The Prairie Pools are committed to sustainable agriculture practices. We support the introduction of a national approach to endangered species conservation which addresses the concerns listed above and included as one of the many components, practical and enforceable federal legislation.

Part Three: Briefs and other written comments.

PFRA, Prairie Farm Rehabilitation Administration, Regina Sask.

The mission of the Prairie Farm Rehabilitation Administration (PFRA) is "To work with prairie people to build a viable agricultural industry and to support a sound rural economy, healthy environment and a high quality of life upon which agriculture depends."

PFRA manages a large crown land base (915,000 hectares in pastures, plus 17,000 hectares in reservoirs, irrigation projects and other lands). These lands contain significant wildlife habitat resources.

PFRA promotes the concept that wildlife and agriculture can co-exist with mutual benefit for both sectors. PFRA recognizes that farmers and other habitat owners supply wildlife benefits to society with little or no compensation for their efforts to accommodate wildlife.

The role of grazing in maintaining ecosystem function and biodiversity is now generally accepted. Rare and endangered species are the beneficiaries of the general health of pasture eco-systems. Burrowing Owls, Ferruginous Hawks and plants benefit directly from grazing.

PFRA community pastures are operated on a fee for service basis. All costs are recovered from pasture patrons. Despite financial constraints, PFRA has been able to maintain and enhance biodiversity on the pastures. In the last 15 years, there have been situations where a loss of control of pasture ecosystem management would have resulted in a substantial reduction in grazing capacity resulting from proposals for species-specific management.

Restrictive legislation would compromise PFRA's flexibility and authority and ultimately result in a more cautious bureaucratic approach that would be to the detriment of both range management and the species the legislation is designed to protect.

PFRA strongly recommends that Environment Canada explore policy options first, then education and incentives and, only in cases of extreme urgency, enabling legislation with appropriate compensation to existing habitat users whose uses are curtailed or displaced as a result of restrictive legislation.

Part Three: Briefs and other written comments.

Jim Elliott, Regina, Saskatchewan

Goal should be changed "to control human activity such that species extinction does not occur." All species should be on national or federal list even if species only resides in one province. Should not leave authority for protection fully up to the provincial/territorial authorities.

There should be an appeal process.

Must be federal legislation (and) enhancement of scientific research to improve understanding of ecosystems, the role of keystone species and the influence individual species have on the ecosystem...(also) education programs to assist understanding of the need for environmental protection and biodiversity.

Manitoba-Saskatchewan Prospectors and Developers Association, Flin Flon, Manitoba

That duplication of existing legislation be reduced to a minimum.
That the process allow time for proper consultation and analysis.

Suggest that industry and other groups be represented on the consultative committee to add balance to decisions. Suggest that affected parties be represented on listing committee to provide balance of opinion. Should be some level of public consultation to determine if a population is genuinely at risk.

Recovery plans should be subject to a public consultation process to determine if the value of a species warrants the requested degree of disruption.

Reasonable legislation and regulations should provide balanced public consultation as part of the decision-making process.

Manitoba Museum of Man and Nature, Winnipeg, Manitoba.

Place much more emphasis on protection of ecosystems. Destruction of habitat is probably the primary cause of endangered species.

There is a great lack of knowledge of invertebrates, and insects. Cooperation of amateurs should be encouraged to reduce this gap.

Part Three: Briefs and other written comments.

Manitoba Metis Federation Inc., Muriel Parker, Winnipeg, Manitoba.

While attending consultation workshop in Winnipeg, we were alarmed at the lack of knowledge with respect to Metis goals, issues and objectives. Metis people in Manitoba must be given the opportunity to participate in the determination of issues that will have an effect on their way of life.

We urge the panel to conduct consultations with Metis communities in Manitoba ...so Metis issues will be brought forth and allow for a clear definition of the role Metis people will have.

Gordon McPhee, Dauphin, Manitoba

Considerable volunteer efforts of agriculture and other industries should be recognized (and compensated).

It is important that decisions on species and habitat be part of the sustainable development process where the needs of society are met by balancing the economic, social and environmental (concerns) to obtain a clear benefit.

Land ownership and leasing rights must be respected.
Costs must be transparent and shared equally by all of society.

Oak Hammock Marsh Interpretive Centre, Oak Hammock Marsh, Manitoba

The legislation, conservation measures and public education that will arise from this process are absolutely essential for Canada's wildlife.

Mounting human population will ensure ever-increasing demands on our ecosystems and species at risk. We should stress habitat deterioration and population declines...long before extinction is even mentioned.

Suggested definition of native wildlife: "all breeding and migratory species of plants, animals, and other organisms whose occurrence in Canada...is independent of human actions."

Recommend "vulnerable" category and a new category, "secure", species determined to be at no risk.

Part Three: Briefs and other written comments.

Canadian Environmental Law Association, Toronto, Ontario

The Association's detailed brief includes specific recommendations on the contents of a federal endangered species law.

The brief notes that while there is uncertainty about the number of species at risk, (about 243); there is no doubt of the cause -- human activity. Major threats to species are listed as habitat destruction, incompatible land use, resource exploitation, over-reliance on fertilizers and pesticides, introduction of exotic and non-native species, climate change and toxic pollution.

Present laws are described as inadequate and discretionary, and enforcement as sporadic and ineffective. The brief says there is room for federal-provincial cooperation and agreements; but insists there is strong constitutional basis for a federal law, which the Association suggests be called the Canadian Endangered, Threatened and Vulnerable Species Act.

The brief proposes an independent, credible scientific committee, whose finding that a species is at risk must trigger mandatory consequences, a prohibition against killing or harming a species at risk or destroying or degrading its habitat. Advance review of projects which may impact on species at risk or their habitat is also recommended.

Canadian Museum of Nature, Erich Haber, Ottawa, Ontario

The Canadian Museum of Nature believes "endangered species protection can be achieved most effectively within an integrated approach to ecosystem management ... not only legal means of protection, but public education on biodiversity...and increased funding and staffing of scientific and technical expertise."

Recommendations:

On-going public education programs dealing with conservation of species and ecosystems.

Increasing national funding for training in support of research and surveys.

Completion of existing ecological classification systems as the basis for completion of Canada's park system and creation of reserves to protect habitats and ecosystems.

Part Three: Briefs and other written comments.

Ontario Cattlemen's Association, Guelph, Ontario

The Ontario Cattlemen's Association supports the principles of sustainable development and responsible resource management. Private landowners, including cattlemen, fear any further encroachment or limitations on private land.

The money required for increased bureaucracy resulting from legislation will likely result in less public resources for on site conservation projects.

A better approach is to clearly define targets for various species, develop management plans that involve landowners and link with education to other landowners and the public.

Ontario Environmental Farm Plan

ARMITAGE, Dave; BOWEN, Darlene; DAYNARD, Terry; DORIS, Peter; KELLY, Ken; MORRIS, Tony; WILLSON, Jeff

Support conservation of endangered species...have seen fiasco in U.S. where ignoring rights of landowners led to a major backlash.

Compensation to landowners, where restrictions are to be applied to use of property,...must be addressed. Without such compensation, Canadian farmers are certain to oppose, strongly, new legislation.

Recovery teams must include stakeholder representation. More thought is needed on how species are to be categorized.

COSEWIC, Committee on the Status of Endangered Wildlife in Canada, Christopher C. Shank, Ottawa, Ontario

Recommends that COSEWIC definition and interpretation of "species" be retained; compendium list summarize Canadian species designated at risk in any jurisdiction; establish priorities for status report preparation to ensure species of greatest concern are treated in a timely manner;

that section (in approach) on recovery be amplified and strengthened;
scientific advisors be present during board's deliberation of status;
supports adoption of categories similar to IUCN criteria with addition of "low risk" category;

that statements about uncertainty and precaution be clarified.

Part Three: Briefs and other written comments.

The Mining Association of Canada and the Prospectors and Developers Association of Canada, Ottawa, Ontario.

Legislation is difficult and expensive to administer. Legislation should only cover what is impossible to manage through other means. We recommend that proper analysis on the need for legislation be done and made available to all interested parties.

Many stakeholders, including our industry, feel they have not been given proper time to comment on the government's proposal. We recommend that a proper consultation process be established that will allow all alternative management strategies to be discussed fully, especially by those who will be directly affected by the government's decisions.

Protection of species is linked directly to habitat management and land use. The Whitehorse Mining Initiative contains land access and land use goals that should be taken into consideration in discussing endangered species and habitat management.

We urge you to pursue vigorously federal-provincial cooperation and rationalization, on the endangered species issues. We recommend that cost-benefit analyses be conducted on various options and that resources be identified and secured prior to development of an endangered species management strategy.

Many elements of a national endangered species management strategy need to be further and fully discussed, i.e., species vs sub-species, habitat protection, response and recovery plans, public and private lands, property rights and compensation.

Canadian Forestry Association, Ottawa, Ontario

A primary cause of the potential endangerment of any wildlife species is reduction of habitat. There are, essentially, three major sectors which impact on habitat: the resource industries (forestry, energy, mining, fisheries); the agriculture sector and the urban development sector. The individuals responsible for decision making and implementation in each of these three sectors have the most direct influence on wildlife habitat in Canada, and therefore on wildlife populations.

The discussion document (*A National Approach to Endangered Species Conservation in Canada*) appears to adequately address the issues of definitions, assessments and regulations. However, it is lacking in any reference to the need for education - education of those in the sectors referred to above, and to inform them of the potential impacts of their activities on specific wildlife populations. Without an outreach component to inform resource users and make them part of the solution, any strategy to address endangered species will be difficult, controversial, and likely confrontational.

Part Three: Briefs and other written comments.

The National Council of Women of Canada, Ottawa, Ontario.

The National Council of Women of Canada has, over the years through a democratic resolution process, developed policy relating to the protection of national areas and protesting the poaching and illegal sale of animal parts. The loss of habitat has a disastrous effect on wildlife ... the list of endangered, threatened or vulnerable species in Canada has been growing steadily and positive action is needed now if Canada is to retain a diversity of species, ecological communities and ecosystems.

Much of (federal) legislation is enabling and does not allow for federal action on any endangered species of national concern. The biological diversity of Canada should be of national concern. Criteria should be developed to identify species .. and include both land-based and marine regions ... provinces will have to be included in the drafting of enforceable and compulsory legislation.

An important segment of legislation would be accountability ... an annual report listing species and action plans for recovery should be part of legislation. The summary of potential components of endangered species legislation and the national framework as set out on pages 10-13 of the discussion paper appear to answer concerns for the protection and rehabilitation of endangered and threatened species in Canada.

Council is urging the development of stand-alone federal legislation which will adequately protect endangered and vulnerable species and end extinction of Canada's fauna and flora as a result of human action.

Ian Attridge, barrister & solicitor, Toronto, Ontario

I attended the Toronto consultation session and there was clear consensus on at least four points:

1. the need to protect threatened and endangered species;
2. the scientific assessment of species at risk;
3. the necessity for some minimum national legal standards...
4. the need for complementary and voluntary mechanisms to foster good land stewardship.

Identification must be carried out by a scientific committee. Assessment must extend to all sub-species (or populations). Habitat identification and protection must be a central component. The education of school children and land use industries about the need to conserve wildlife could assist the protection of species.

Part Three: Briefs and other written comments.

National Agriculture Environment Committee, Ottawa, Ont.

The National Agriculture Environment Committee (NAEC) feels that decisions have been made regarding the approach to endangered species conservation (i.e. push to develop federal legislation) without an adequate analysis of the current Canadian situation, an understanding of the effects of legislation in other countries, consideration of all options and adequate consultation with stakeholders involved in species conservation.

There is no indication that economic factors have been considered. The cost of the proposed new act must be balanced against other pressing issues (deficit, health care, welfare).

There appears to be little recognition of voluntary actions by private landowners for the common good. Agricultural producers are opposed to any erosion of property rights. We feel the key to success is education and awareness and not an emphasis on punitive actions or penalties. Cooperative actions with the full participation of all Canadians will be the best course of action.

If an Act or strategy were drafted, it should be clear and simple and should include definitions using the IUCN classifications; a review committee; public review of listing rationale, response plans and recovery plans; provision for agreements with provinces, organizations or individuals; financial considerations, including tax considerations, incentives and compensation. Prohibitions should only be implemented if all other actions have not worked.

An Act should not apply to everyday lawful activities that may accidentally affect a listed species, activities essential to the aboriginal peoples heritage and human health and safety.

World Wildlife Fund Canada, Sarah Climenhaga, Toronto, Ontario

An important purpose of legislation is to ensure that species at risk do not fall through the cracks in various jurisdictions.

Sub-species and separate populations should be included to avoid a narrow approach that will weaken species protection in Canada.

Current COSEWIC category of "vulnerable" should be retained to identify species at risk before they reach a critically endangered stage, allowing time to implement gradual preventative measures rather than expensive recovery.

Need mandatory preparation of recovery plans within prescribed timelines.

Part Three: Briefs and other written comments.

Endangered Species Coalition, Ottawa, Ont.

The Endangered Species Coalition is directed by a steering committee consisting of the Canadian Nature Federation, Sierra Legal Defence Fund, Canadian Parks and Wilderness Society, l'Union québécoise pour la conservation de la nature, Sierra Club of Canada and the World Wildlife Fund (Canada). These organizations represent some 250,000 Canadians.

The goal of the Coalition -- effective Canadian endangered species legislation -- is supported by more than 80 organizations from a broad range of sectors across Canada, including the Canadian Bar Association, the Body Shop, the Canadian Labour Congress and national and regional environmental organizations.

The Coalition's brief is a 75-page document which describes the importance of species protection and makes an urgent call for action, citing the increase in the number of species at risk, which has tripled in the past 10 years.

Wild species not only help clean the air and water. Nearly 50 per cent of the medicine prescribed in North America comes from natural species, including some cancer-fighting drugs. The rich diversity of wild species is part of Canada's heritage.

The Coalition says existing wildlife laws and programs in Canada are not adequate to protect endangered species. Shortcomings cited include the discretionary character of legislation and the absence of a requirement for advance review of projects which may disturb an endangered species or its habitat.

The Coalition recommends that the federal government and each provincial government pass endangered species legislation and that federal law establish minimum standards for protection of species at risk across Canada. Protected species should include sub-species and distinct populations of wild species that are native to Canada.

Listing of species at risk should be done by a scientific committee, which would also identify habitat and critical habitat of listed species. The law should prohibit harming species at risk, require recovery plans for all listed species, and require that projects and activities which may effect a listed species or its habitat must undergo advance review.

The law should provide tax relief for landowners who manage land for conservation of species and compensate landowners for conserving habitat for species at risk.

Part Three: Briefs and other written comments.

Grand Council of the Crees (of Québec): Hunting, Fishing and Trapping Coordinating Committee

In order to deal with the concerns of the Crees, there should be a minimum of:

1. A place for aboriginal representatives on any regional and national expert committees.
2. A place reserved on the national expert committee for an expert in the collection and use of ethno-botanical and ethno-zoological information.
3. Recognition of treaties and their particular measures. In the case of the James Bay and Northern Quebec Agreement this would include consideration of ...
 - (a) the Hunting, Fishing and Trapping Coordination Committee;
 - (b) the "principle of conservation";
 - (c) The James Bay Advisory Committee on the Environment;
 - (d) the rights of the Crees with respect to lands and with respect to their traditional ways of life as set out in the Agreement;
 - (e)...the importance of the categories of lands to the Cree harvesting practices, the special rights with respect to migratory birds, beaver preserves and environmental and social protection; and
 - (f) a special reference should be made to the special region set out in second 22 for environmental and social protection in the context of proposed development, protection of endangered species should, in principle, prevail over other interests.
4. The developers of the policy should be made aware of the fact that the area off-shore from Northern Quebec is outside of the James Bay and Northern Quebec Agreement, and outside of Quebec and is subject to the full exercise of the rights of the Cree people.
5. Finally, the developers of the policy should be made aware of the following substantive issues:
 - (a) the efforts of the Cree to protect the moose populations in the Waswanipi area;
 - (b) the compliance by the Crees with the previous ban on the hunting of Brant geese;
 - (c) the fact that the Crees raised the issue of the danger presented by the proposed Great Whale River Project to the freshwater seal and forced Hydro Quebec to make design modifications which as it turns out, only eliminate part of their habitat from the proposed projects area; and
 - (d) the threat that the proposed Great Whale complex presents to the Harlequin Duck and to the Common Scoter in the Lac Bienville (Apishigameesh) area - the developers of the policy should be referred to the draft impact statement by Hydro Quebec on this project (1992) and to the conformity analysis carried out by the environmental committee and published in 1994.

Part Three: Briefs and other written comments.

Naskapi Native Party, Montreal, Québec

The Naskapi Native Party endorses the philosophy and objectives of the proposed national approach. We feel strongly that the issue of endangered species must be approached on a Canada-wide basis.

The approach presupposes a much more detailed, comprehensive and accurate knowledge of the state of Canada's flora and fauna than actually exists. We are afraid that the approach will frequently be unsuccessful merely because the requisite data are not available. There is an urgent need to formulate a monitoring mechanism, possibly using indicator species, to complement the national approach. That mechanism should be much more powerful and extensive than the one described in the mandate of the proposed committee.

The national approach must be amended to provide a role for aboriginal governments, such as the Cree and Naskapi bands under the Cree-Naskapi (of Québec) Act, and for committees created by constitutionally entrenched land claims settlements, including the Hunting, Fishing and Trapping Coordinating Committee. Moreover, the national approach must be evaluated to ensure that it does not contradict or conflict with such land claims settlements.

The proposed Committee must include aboriginal persons.

It is not clear whether the proposed Committee has binding powers, or whether it makes recommendations.

We do not understand sub-section 2 on page 15.

(The species should have a geographical occurrence in Canada beyond only a very small area along Canada's southern border with the United States, unless it is:

- a) determined to be at risk *outside* Canada by the IUCN, COSEWIC or another reputable authority; or
- b) a migratory species requiring international cooperative management to ensure its survival.)

Would there be any penalty for a failure to submit an endangered species management plan? Such plans should not, of course, infringe on any provision of a land claims settlement.

Part Three: Briefs and other written comments.

Canadian Pulp and Paper Association, Montreal, Québec

Protection of endangered species is integral to the conservation of biodiversity and the pursuit of sustainable forest management in Canada. Therefore a national framework is useful.

A successful framework must recognize that harmonization of programs and legislation between federal and provincial or territorial governments is essential. Federal legislation must reflect federal jurisdictional responsibility.

Constitutional and legal rights attached to private lands must be respected. Voluntary cooperative actions should be encouraged.
Designation of species should be based on scientific criteria. Insufficient information is not grounds to list a species.

Federal legislation should focus only on species. Sub-species and local populations should be the responsibility of provinces and territories.

There should be no restrictive actions until a species has been listed and a response plan has been approved.

All interested parties, including the private sector, must be able to participate in the listing process.

Existing environmental assessment laws should incorporate advance review of projects to ensure endangered species are considered.

Compensation for economic losses to landowners because of protection measures must be carefully considered.

Governments should enforce legislation, not private citizens.

Socio-economic considerations should be a factor in decision making. A priority-setting process is necessary.

Cooperative arrangements between governments and stakeholders to implement species response programs are possible.

A Canadian approach must be flexible, promote partnerships, consider all the costs and benefits and make the best use of limited resources to conserve endangered species within the principles of sustainable development.

Part Three: Briefs and other written comments.

**Association des biologistes de Québec, Pierre Blanchette
Montréal, Québec**

The National Approach is an essential tool but not the only tool to be included in a national biodiversity strategy. It must be completed by a network of protected areas and integrated management of renewable resources.

The approach lacks an essential element - EDUCATION. The public must be informed of the importance of species and the means of preventing their loss.

Criteria for species listing must be harmonized both with international criteria and with provinces.

A flexible approach is needed to permit cooperative work in recovery of species by different jurisdictions.

Regional and local groups should be involved in recovery plans.

**UQCN: Union québécoise pour la conservation de la nature
Montréal, Québec**

Canada has an international obligation under the Convention on Biological Diversity to protect endangered species;

The proposed national approach is a necessary approach for endangered species conservation in Canada;

The legislation should have a compulsory character;

Protection of endangered species is the constitutional responsibility of the federal government and the provincial and territorial authorities.

UQCN continues to support in principle the adoption of a federal law on endangered species. on condition that such a law be complementary to the Québec law on endangered species and that its development be carried out in concert with the Government of Québec.

Part Three: Briefs and other written comments.

Normand Gariepy, photographer, Sainte-Anne-de-Sorel, Québec

In a period of shrinking resources, federal law should avoid costly duplication with existing provincial laws and aim at partnerships.

For example, if Québec identifies a species at risk, the federal government should contribute an amount for recovery or habitat protection. In the same way, if the federal government identifies a species at risk, Québec should work directly to protect that species habitat in Québec.

Nova Scotia Trails Federation, John Harwood, Executive Director, Halifax, Nova Scotia

The (National) approach allows and highlights the necessity for action by national, regional and municipal levels of government.

The suggested organization is practical and workable.

Legislative action is necessary but education is the key to maintaining biodiversity and all species and populations.

A minimum set of regulations that all jurisdictions would employ should be pursued.

Paul-Michael Brunelle, Halifax, Nova Scotia

"The bulk of Canadian species will fall into the 'Data Deficient' category. ...emphasize the role the amateur enthusiasts can play...

The properly managed participation of amateurs may be the only means of establishing a baseline on population beyond the narrow confines of taxa directly of interest to humans."

COSEWIC should catalogue human resources of knowledge in the country and inform qualified persons when consideration is being given to a species in the person's area of competence.

Curtailement of activities on private land should not be done without adequate compensation. Purchase of protective covenants on special sites combined with education might be best approach.

Part Three: Briefs and other written comments.

Karen Beazley, Halifax, Nova Scotia
School for Resource and Environmental Studies, Dalhousie University

Should focus on ecosystems and act in terms of "endangered spaces" not just species.

Such an approach would go beyond already existing legislation in other countries in a truly innovative, forward thinking and ecological way.

The approach should emphasize prevention more than it does.

The assessment process would be too slow; need increased resources to speed up identification, assessment and listing.

Response actions should include strict requirements for habitat protection and restoration, including private lands.

All endangered species should be of national concern, including sub-species and populations.

Charles Haines, Halifax, Nova Scotia
Observer at four workshops in Atlantic region. Law student, Dalhousie University.

It is necessary to determine an acceptable compromise, which will not fall to the lowest common denominator.

Any Endangered Species Act will serve to further educate Canadians about a matter which most have proved willing to endorse.

A federal endangered species act will help to fortify a new course in the philosophy of our wildlife legislation.

A crucial aspect is to promote (cooperation) amongst interested parties.

Avoid duplication ... important to examine how proposed act relates to other wildlife legislation.

Report on Public Consultation:
A National Approach to Endangered Species Conservation in Canada.

**Part Four: Comments by persons who responded to questions
in part four of the discussion document.**

A National Approach to Endangered Species Conservation in Canada, a discussion document, was released to the public April 11, 1995, and from May 1 to May 30, 1995, with the assistance of provinces and territories, 14 public consultation workshops were held in cities across Canada to discuss the proposals described in the document.

This report summarizes the input received and is divided into four parts.

Part Four is a summary of comments made by individuals who responded to questions in part four of the discussion document, *A National Approach to Endangered Species Conservation in Canada*.

Comments by individuals who responded to questions in part four of the discussion document.

Part Four of the discussion document, A National Approach to Endangered Species Conservation in Canada, invited comments on the proposed national approach by means of eight questions. The document was distributed to persons invited to or attending the workshops and was available on request to persons who were unable to attend a workshop.

Completed workbooks were received from all 10 provinces. Most of the workbooks returned were submitted by persons who had attended a workshop. About 40 per cent of responses were from persons who stated that they were unable to attend a workshop.

It should be noted that of those who submitted comments, not all persons responded to all questions. In addition, some respondents gave more than one answer to a question. For these reasons, the number of responses is not the same for all questions.

A summary of comments made in the responses is presented on the following pages.

<p>Question 1.</p> <p>Have all the essential elements been identified in the proposed national approach?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	Percentage of respondents who expressed this view.
Yes, all essential elements have been identified.	8 per cent
Protective measures should be mandatory, not discretionary.	40 per cent
The federal government should play a strong role and should act in cases where provinces do not.	23 per cent
The approach must emphasize habitat protection.	10 per cent
There must be advance review of projects that may harm an endangered species or its critical habitat.	8 per cent
Adequate funding must be identified and assured.	5 per cent
The approach must sustain Canada's biological diversity.	3 per cent

<p>Question 2. The listing process In your opinion is the proposed assessment process satisfactory? How could it be improved?</p> <p>Should the criteria be the same for all governments? Should assessments be based on international standards?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
Yes, the proposed assessment process is satisfactory.	12 per cent
COSEWIC should be maintained and given full legal force.	31 per cent
The assessment process should include sub-species and local populations.	24 per cent
The public should be able to propose candidates for assessment.	10 per cent
The criteria should be the same for all governments.	83 per cent
Assessment should be based on international criteria.	36 per cent
The listing process must include a low-risk category, i.e. present COSEWIC vulnerable category.	35 per cent
There must be an appeal process for listings.	3 per cent

<p>Question 3. Response Actions If a species is listed, what action should result? How can the proposed measures be improved?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
There must be mandatory prohibition of harming or killing an identified species.	45 per cent
There must be mandatory protection of an identified species critical habitat.	38 per cent
The federal government should act to protect an identified species if the province does not.	21 per cent
Strong penalties must be enforced against violators.	10 per cent
Governments must assure adequate funding.	3 per cent
One-year may not be enough time to respond.	3 per cent
Use local knowledge of cause of species decline.	3 per cent
An endangered species auditor general must report to Parliament on species recovery programs.	3 per cent
Response to listing must be made within six months.	3 per cent

<p>Question 4. Recovery Plans Listing of a species often leads to the preparation of a recovery plan to restore the species to a healthy level. Under what circumstances should recovery of a species be considered not feasible?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
Never.	33 per cent
Recovery plans should be prepared for all listed species; but the scientific committee should set priorities for recovery.	18 per cent
If human factors are not a cause of the species decline.	5 per cent
When its habitat has been destroyed beyond recovery.	3 per cent
If recovery of one species places a greater number of species at risk.	3 per cent
If the population of the species is not sustainable.	3 per cent
If it is at the periphery of its range in Canada and the main population of the species is in a healthy state outside Canada.	1 per cent

<p>Question 5. Habitat Management</p> <p>How should endangered species be managed on private lands? ... on crown lands? ... on treaty lands? ... in Canadian waters?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
<p>Endangered species laws should be applied in the same way on all land, regardless of ownership.</p>	<p>67 per cent</p>
<p>There should be greater incentives for private landowners to conserve endangered species habitat.</p>	<p>29 per cent</p>
<p>There should be greater effort to educate landowners of the value of endangered species and their needs for habitat protection.</p>	<p>20 per cent</p>
<p>Native peoples traditional use of lands should be recognized.</p>	<p>11 per cent</p>
<p>Conservation of endangered species will require delicate negotiations with private landowners and all levels of government.</p>	<p>11 per cent</p>
<p>Property rights must be respected. Private landowners must receive adequate compensation if any of their land is needed for species habitat.</p>	<p>6 per cent</p>
<p>200 mile limit in oceans is critical for Canada to have full legal authority to protect species.</p>	<p>2 per cent</p>

<p>Question 6. Species of concern: Under what circumstances should a species be considered of national concern? ...regional concern? ... local concern?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
<p>All endangered species are of national concern. "Species do not respect provincial borders."</p>	<p>72 per cent</p>
<p>The concern is national; but the solution requires cooperation between all levels of government.</p>	<p>20 per cent</p>
<p>Migratory species are of national concern; all others are of provincial concern.</p>	<p>6 per cent</p>
<p>It is of national concern when a species is at risk throughout Canada; it is a regional concern when a species is in danger only in some areas.</p>	<p>6 per cent</p>
<p>There must be a forum for public input at all levels of government.</p>	<p>4 per cent</p>
<p>We must avoid duplication of services at the federal and provincial level.</p>	<p>2 per cent</p>

<p>Question 7. Legislation In you opinion, what are the essential elements of law that every agency should have in place?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	Percentage of respondents who expressed this view.
Prohibition of harming a listed species or its critical habitat.	70 per cent
Required listing in law of species identified as being at risk.	62 per cent
Require recovery plans for all identified species.	56 per cent
Stiff penalties for any violations of the Act.	56 per cent
Advance assessment of projects that could harm species at risk or their critical habitat.	45 per cent
Adequate funding to implement the Act.	8 per cent
The federal law must set standards that other jurisdictions must meet or exceed.	6 per cent
Law should not apply on private lands without compensation.	3 per cent
Authority to expropriate private land if necessary to protect critical habitat.	3 per cent
Public right to prosecutive violators.	2 per cent

<p>Question 8. What other means would you suggest to improve endangered species conservation in Canada?</p> <p>Note: Not all persons responded to all questions. Some respondents gave more than one answer to a question.</p>	<p>Percentage of respondents who expressed this view.</p>
Increased funding is required for endangered species conservation.	48 per cent
There must be more public education about the value of endangered species and how to conserve them.	31 per cent
The national parks systems must be completed as soon as possible/by the year 2000.	23 per cent
There should be greater recognition of voluntary efforts by private landowners.	6 per cent
We need stricter enforcement of environmental laws and regulations.	6 per cent
There must be strong federal government leadership.	4 per cent
Citizens must have power to initiate prosecution of violators.	2 per cent
COSEWIC should be broadened to include lay people from the community.	2 per cent
Limit population growth.	2 per cent

Requests for additional information on endangered species conservation in Canada should be addressed to:

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